

1 projecting some what-ifs.

2 SEN. ZAFFIRINI: I thought it --

3 SEN. FRASER: I would suggest that my
4 intention today is not to make a record. I'm not in
5 any way trying to develop any kind of record, other
6 than trying to inform my fellow other 30 senators that
7 the bill that I'm laying out will increase voter
8 participation rather than the people that believe that
9 their vote is not going to count.

10 And so the expert witnesses that I have
11 brought today are the Secretary of State to talk about
12 the fact that we've got a problem, the Houston
13 registrar that says that they've had a problem there
14 in voter fraud. We've got people from Indiana to talk
15 about the fact that after we implemented this law,
16 they had the largest increase in Democratic votes in
17 the nation. We've got two people from Georgia that
18 are going to say that they had a huge increase in
19 voter participation, and they're going to talk about
20 the minority increases, because, evidently, Georgia
21 had a huge increase because the Hispanic and the
22 African-American voters were encouraged that their
23 vote was, in fact, going to count.

24 SEN. ZAFFIRINI: But what years are you
25 comparing, a huge increase from what year to what

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1 year?

2 SEN. FRASER: You and I have been in
3 politics a long time, and we know that presidential
4 year elections are the comparison. So if you're
5 comparing 2008, you would look at 2004. If you look
6 at 2006, you would look at 2002. In Indiana after the
7 bill was implemented, if you compare 2002 to 2006,
8 after it went into place, there was a two percent
9 increase in the voter participation. All of it came
10 in democratic voters. There were three new
11 congressional people elected in Indiana in 2006.

12 In 2008, during that same election
13 cycle, the vote total in Indiana was over double the
14 increase of next door Illinois. They had a 6.7
15 percent increase in all voting. It all came in the
16 Democrat election. They had 6.9 percent in Indiana
17 increase, even though Republican voting actually
18 stayed stable or went down a little bit.

19 SEN. ZAFFIRINI: Well, we looked at the
20 data, but we would disagree on the interpretation of
21 the data because we, the Democrats, believe that that
22 was the impact of President Obama, and that it was
23 President Obama who brought out the African-Americans
24 and the Hispanics and the minorities and that he was
25 the motivation and the reason that there was such an

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1 increase in turnout.

2 SEN. FRASER: I'm glad you brought that
3 up, because the good thing is, we got Indiana here to
4 verify that. But I think they're going to tell you
5 that Obama was from Illinois. He was a senator from
6 his home state next door where we had this
7 repressive -- or the alleged oppressive voter ID bill
8 that was put in place. The increase in Indiana was
9 more than double the increase in Illinois, which was
10 the president-elect's home state that he was serving
11 in.

12 I believe the facts are going to show
13 just the obvious. Not only did they not depress
14 voting, those voters were encouraged that their votes
15 were going to count, and it doubled in Indiana over
16 what it was in Illinois. So I would love for you to
17 make that case, because I think it's going to show
18 that just the opposite happened. I think they were
19 encouraged to vote and they voted in great numbers.

20 SEN. ZAFFIRINI: And perhaps if the
21 voter ID hadn't been in place, the turnout would have
22 tripled or quadrupled. So we don't know that, but we
23 will look into it and pursue those issues with the
24 expert voters. Thank you, Senator.

25 SEN. FRASER: All right.

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1 SEN. ZAFFIRINI: Now, going back to the
2 cost of this particular legislation, have you
3 considered at all the cost to the State of Texas to
4 participate in a lawsuit, to defend a lawsuit related
5 to this particular bill if it passes?

6 SEN. FRASER: No. And I have -- the
7 answer is no. As you know, it's part of the
8 legislative process.

9 SEN. ZAFFIRINI: Yes.

10 SEN. FRASER: Any time the State of
11 Texas is litigated against, we have an obligation to
12 defend ourselves. And, as you know, since you've been
13 in the Legislature -- you have been here a long time
14 and you've seen it multiple times -- and if the
15 lawsuit is filed, then the state has to defend itself.

16 SEN. ZAFFIRINI: Have you considered at
17 all the cost to the State of Texas to dealing with the
18 challenge that would be issued with the Department of
19 Justice regarding this particular legislation if it
20 passes?

21 SEN. FRASER: I guess the question I
22 would ask you, if you're asking me if I've looked at
23 the cost, I would ask you the question, have you
24 looked at if someone lost an election because someone
25 cheated, because they misrepresented themselves and they

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1 weren't allowed to serve -- and one of the things
2 we're going to be talking about is, there is somebody
3 in this room today that won a very narrow election and
4 would not be here today if someone had cheated on a
5 very few votes.

6 So I guess the question I'll ask you,
7 what is the cost of the State of Texas if someone is
8 allowed to cheat, that would change history, someone
9 else to represent them, there is a huge cost to the
10 state in the fact that you change history by rigging
11 an election.

12 SEN. ZAFFIRINI: But basically what
13 we're focusing on at this point in the debate is the
14 cost related to this particular bill, not to history
15 and not to the future but the costs associated with
16 this particular bill. On a related note, were any of
17 your expert witnesses brought in at any expense to the
18 State of Texas or the Senate in particular?

19 SEN. FRASER: I'm sorry. I've got two
20 people asking questions. Please ask it again.

21 SEN. ZAFFIRINI: Were any of your expert
22 witnesses for today brought in at the expense of the
23 State of Texas or the Senate in particular?

24 SEN. FRASER: No.

25 SEN. ZAFFIRINI: No?

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1 SEN. FRASER: Were any of your expert
2 witnesses brought in at the expense of the state or
3 the expense of the Senate?

4 SEN. ZAFFIRINI: That is my question.

5 SEN. FRASER: No. I was asking you
6 that.

7 SEN. ZAFFIRINI: Oh, I didn't bring in
8 any expert witnesses except one from Austin, who I
9 am --

10 SEN. FRASER: None of my expert
11 witnesses were at the expense of the state.

12 SEN. ZAFFIRINI: Good.

13 SEN. FRASER: Let me clarify that. Not
14 unless Coby Shorter is on expense report for driving
15 his car in to the Capitol this morning. I don't think
16 so.

17 SEN. ZAFFIRINI: All right. Senator,
18 you talked about vote fraud and you referenced the
19 Duke of Duval and something that happened in 1948.
20 That's a long time ago. You and I discussed other
21 allegations of fraud, including one election in which
22 someone apparently bubbled in. The bubbles were
23 erased on ballots that the respective voters had not
24 bubbled in.

25 In other words, there were many ballots

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1 that indicated that a voter had not voted in a
2 particular race, and apparently someone else went in
3 and bubbled in and, in effect, impacted the results of
4 the race. In that particular race, there were
5 allegations that there were more votes than ballots
6 counted in a recount. But your bill would not have
7 anything to do with correcting that kind of voter
8 fraud that was alleged at that point, would it?

9 SEN. FRASER: If you go back and examine
10 my opening comments, I said how did I move toward even
11 starting thinking about this? And I reflected that in
12 the history of the United States, there's been a lot
13 of cases where there was either voter fraud, voter
14 manipulation, stolen election, voter harvesting, that
15 there is a history out there of people attempting to
16 steal elections.

17 I also made the observation that that
18 has moved people toward losing faith in the system.
19 And if they lose faith in the system and they think
20 their vote is not going to count, they don't go vote.
21 That might have something to do with the fact that we
22 have some elections that there's only eight percent of
23 the people that vote because they have no faith that
24 their vote is going to count.

25 I'm addressing one small area of the

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1 law, and that is something that I think I can impact;
2 and that is, when Judy Zaffirini walks into your
3 polling place at home and you put your voter
4 registration down there, I want them to know without a
5 doubt that that is Judith Zaffirini that is voting and
6 not Tom Smith that is borrowing her -- or Thomasina
7 Smith borrowing -- it would probably be -- it would be
8 better if it was a woman, I guess, in the example.

9 SEN. ZAFFIRINI: That's all right. I
10 understand, Senator. Don't worry about it.

11 SEN. FRASER: If someone else is using
12 your card to vote, then I think you need that
13 assurance that you've got to make sure that when you
14 go to vote, that somebody has not been there, you
15 know, impersonating you, stealing your ability to
16 vote.

17 SEN. ZAFFIRINI: Quite frankly, Senator,
18 that never ever crossed my mind, except in relation to
19 the point that you're making. But never ever did I
20 feel threatened in any way.

21 My other question for you is, do you
22 have any examples at all of any Texas election in
23 which the outcome was impacted by voter impersonation?

24 SEN. FRASER: I'm going to wait until we
25 have all of our expert witnesses. They're going to

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1 answer questions, and we're going to talk about the
2 election system in Texas and the ability not only to
3 impact elections but also the extreme difficulty in
4 identifying that someone cheated, and prosecuting
5 them.

6 (Brief pause)

7 SEN. ZAFFIRINI: You ready?

8 SEN. FRASER: Yes.

9 SEN. ZAFFIRINI: Senator, have you
10 considered at all the questions that many of us have
11 raised -- we who are Democrats, we who are
12 minorities -- regarding the impact, the negative
13 impact of this legislation on the turnout of
14 minorities, specifically African-Americans and
15 Mexican-Americans, and specifically in South Texas?
16 Have you considered those concerns that we have
17 raised?

18 SEN. FRASER: Senator, actually I
19 considered a lot. And I think -- you know, first of
20 all, I'm going to make a blanket statement: I want a
21 large turnout of all Texans, and I want a large
22 turnout of minorities, making sure that they are
23 encouraged to vote.

24 And again, I would encourage you to
25 listen to the testimony of Indiana and Georgia of what

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1 happened when they implemented a fair system where
2 people were comfortable that their vote was going to
3 count and what happened to the minority turnout. And
4 so the answer to your question is, absolutely. I want
5 to make sure that -- I want everyone in Texas to vote
6 in large numbers, and I want the minorities, the
7 African-Americans and the Hispanics, to increase their
8 numbers.

9 And I really believe in my heart that
10 the bill that I am laying out today will do that,
11 because I think they are frustrated that their vote is
12 not counting, that there are people cheating in the
13 elections and have been cheating for a long time. And
14 if they know that their vote is going to count, I
15 think they'll be encouraged, and I think more will
16 turn out. So the answer to your question is --

17 SEN. ZAFFIRINI: I certainly have not
18 seen evidence of that cheating that you're referring
19 to, not in terms of voter impersonation. But I
20 certainly will be interested in hearing if there is
21 any. On the other hand, if our experts prove to you
22 that your bill will have a negative impact on Mexican-
23 Americans, on African-Americans, will you consider
24 amendments to alleviate our concerns?

25 SEN. FRASER: Well, first of all, in

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1 response to it, I have four different papers from
2 academics around the country that address the issue
3 that you're talking about of the fact that actually
4 the minority -- impact is that minorities will turn
5 out more, and it's from actual data of what's happened
6 since these laws have been input.

7 Mr. Chairman, could I possibly move that
8 these be added or entered into the record?

9 SEN. DUNCAN: You can do that at this
10 time. I think we'll have -- those will be Exhibits --
11 what numbers? We'll bring them down to the front and
12 mark them.

13 SEN. ZAFFIRINI: Thank you, Senator.
14 I've asked you about the negative impact on Mexican-
15 Americans, on Hispanics in general, on African-
16 Americans. Have you considered the negative impact on
17 the elderly, specifically persons over the age of 65,
18 and how they will be able to prove their
19 identification? What about --

20 SEN. FRASER: Senator, I don't know
21 about you, but I'm getting close to that range. And,
22 obviously, I am concerned about people in that range.
23 I'm concerned about my mother that is in a retirement
24 center and are there, and I spend a lot of hours at
25 the retirement center talking to those people,

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1 asking -- I've asked them -- you can't imagine the
2 number of questions I've asked about the way they
3 vote, what they're following -- you know, what the
4 habits are.

5 And I think the assurance I can give to
6 you is that, first of all, the bulk of the people that
7 are over 65 -- some that have stopped driving -- the
8 bulk of those and probably a high, high percentage
9 vote by mail. I am not impacting that in this
10 legislation. So everything they have done in the past
11 in the ability to vote to mail stays exactly the same.

12 SEN. ZAFFIRINI: Have you considered a
13 possible negative impact on persons with disabilities,
14 including those who live in institutions such as
15 nursing homes?

16 SEN. FRASER: And again, I guess I would
17 throw my mother in that category. My mother is
18 wheelchair-bound. I know that just even me trying to
19 get her into my car to take to the doctor is a huge
20 problem. She, you know, like most of her friends,
21 votes by mail, and so she is in that category of the
22 disabled. And her voting rights will continue, as
23 will all of her friends in the retirement center.

24 SEN. ZAFFIRINI: Senator, going back to
25 your bill, on Page 6, Line 14 of your bill, you

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1 itemize --

2 SEN. FRASER: I'm getting heckled over
3 here. People from the other side are moving over
4 to -- he's trying to implement the egg-timer rule of
5 three minutes.

6 SEN. ZAFFIRINI: I see.

7 SEN. FRASER: I'm for that.

8 SEN. ZAFFIRINI: Well, on Page 6, Line
9 14 of your bill, you list types of documentation that
10 you acceptable as proof of identification under this
11 chapter. In 2007, in House Bill 218 which you
12 sponsored in the Senate, you included a student
13 identification card as proof of identification, as
14 acceptable documentation, but a student ID card is not
15 included in your 2009 bill. Could you explain why?

16 SEN. FRASER: Senator, could I refer you
17 to Section 6.

18 SEN. ZAFFIRINI: What line, what page,
19 Senator?

20 SEN. FRASER: It is -- just a second.
21 The reference you're making is the public institutions
22 of higher learning, the student ID card is still
23 included. The wording changed, but it's covered by
24 No. (6) (A).

25 SEN. ZAFFIRINI: So you're saying that

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1 on Page 6, beginning at Line 8 where it reads, "a
2 valid identification card that contains the person's
3 photograph and is issued by:

4 (A) An agency or institution of
5 the federal government; or

6 (B) An agency, institution, or
7 political subdivision of this state," you're saying
8 that that would include institutions of higher
9 education and that, therefore, student identification
10 cards would be acceptable proof of identification?

11 SEN. FRASER: Yes.

12 SEN. ZAFFIRINI: Good.

13 SEN. FRASER: Isn't that what that says?

14 It says "an agency, institution or political
15 subdivision of this state." The University of Texas
16 is considered a subdivision of the state. It says
17 that an identification card that contains a person's
18 photograph that is issued by. I think the answer to
19 your question is "Yes."

20 SEN. ZAFFIRINI: All right. In your old
21 bill -- I'm looking at it now -- you have this
22 language -- and in addition to that, you specified the
23 student identification card. But so long as you
24 clarify your legislative intent, that's acceptable to
25 me.

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1 But a related question, Senator: In
2 that section, you list many, many types of acceptable
3 proof of identification, including a certified copy of
4 a birth certificate, United States citizenship papers,
5 an original or certified copy of the person's marriage
6 license or divorce decree. And finally on Page 7,
7 Lines 1 and 2, you include court records of the
8 person's adoption, name change or sex change. Could
9 you explain why you included sex change as an
10 acceptable documentation and proof of identification?

11 SEN. FRASER: I believe we're going to
12 punt to the House sponsor. This was the language that
13 was passed out of the Texas House last year. We
14 picked up the bill from an amendment that was added in
15 the House. And as our starting point, the legislation
16 that we never voted on last year that we brought over
17 from the House, that language is in there. So I guess
18 I would say I'm not advised.

19 SEN. ZAFFIRINI: All right. And I'm
20 sure that you can find out why, perhaps, and answer me
21 on the floor --

22 SEN. FRASER: Some of it was being
23 inclusive.

24 SEN. ZAFFIRINI: -- through the Senate
25 debate.

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1 I do have a related question. Going
2 back to our student identification card, that
3 references public universities. But what about
4 students in private institutions.

5 SEN. FRASER: Not included.

6 SEN. ZAFFIRINI: They're not included.
7 Was that an oversight? Do you intend to include them
8 at a later date?

9 SEN. FRASER: The answer to that is that
10 it's not an intentional exclusion. The concern on it
11 is us not knowing every private institution in the
12 state and the way their IDs are administered. A state
13 institution, we have some input and control. And I
14 guess the answer to that is, if you have a mechanism
15 for that, I'm willing to listen. It is not -- the
16 answer is not that we're -- we're not trying to
17 prohibit. It's just that those particular groups, we
18 don't have the ability to at least observe or regulate
19 the IDs they're putting out.

20 SEN. ZAFFIRINI: But to summarize, then,
21 and to make sure that I understands, a student
22 identification card issued by a public institution
23 would be considered proof of identification that is
24 acceptable under your bill. But a student
25 identification card issued by a private institution of

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1 higher education would not be?

2 SEN. FRASER: As the bill is currently
3 written.

4 SEN. ZAFFIRINI: Thank you very much,
5 Senator. I appreciate your courtesy.

6 SEN. FRASER: Yes.

7 SEN. DUNCAN: Before we go to the next
8 questioner, let me just kind of clarify the record. I
9 have some -- Sen. Shapleigh -- and I think if you're
10 going to put something in the record, you need to
11 identify it. Sen. Shapleigh had submitted Exhibit 6,
12 which is the vote tally on the Gallegos motion to
13 appeal the ruling of the Chair. Exhibit 7 is a
14 document, "The Effects of Photographic Identification
15 on Voter Turnout in Indiana," submitted by
16 Sen. Fraser. Exhibit 8 is an article or a document
17 entitled "Much-hyped [up] Turnout Record Fails to
18 Materialize, Convenience Voting Fails to Boost
19 Balloting." Exhibit 8. And then Exhibit 9 submitted
20 by Sen. Fraser is "The Empirical Effects of Voter-ID
21 Laws: Present or Absent?"

22 I think Exhibit No. -- yes, No. --
23 that's all there are. So those will be in the record.

24 Exhibit 10 is "A Report of the Heritage
25 Center for Data Analysis" submitted by Sen. Fraser.

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1 (Exhibit Nos. 6 through 10 marked and
2 admitted)

3 SEN. DUNCAN: Sen. Ellis. Or I'm sorry.
4 Sen. Whitmire.

5 SEN. WHITMIRE: Thank you,
6 Mr. President.

7 Sen. Fraser, to clarify a few things
8 that you mentioned earlier, you mentioned that Indiana
9 and Georgia voting occurrence. What year was that?

10 SEN. FRASER: The Indiana voting, the
11 first one was in 2006. The second was in 2008.

12 SEN. WHITMIRE: I think I --

13 SEN. FRASER: Excuse me a second. And
14 Georgia was in 2008.

15 SEN. WHITMIRE: Well, don't you agree
16 that everywhere in the country, every state had a
17 greater participation this year, primarily because of
18 the popularity of our presidential candidates and also
19 the severe economic conditions? Particularly I would
20 focus on Indiana. Why would you use the Indiana
21 increase in voting as an indication of anything, other
22 than they were very energized about the selection of
23 candidates and because of their unemployment rate and
24 their severe economic downturn? Wouldn't that --

25 SEN. FRASER: Senator, you're making

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1 wonderful subjective argument. We have an objective
2 person that is about to testify before us that will
3 give you very clear answers that the Indiana guy
4 knows --

5 SEN. WHITMIRE: Sure.

6 SEN. FRASER: -- what their results were
7 and he knows what the surrounding states were.

8 SEN. WHITMIRE: Well, I haven't heard
9 from him. I can only go by your trying to compare
10 Indiana to Illinois, and that you said Indiana had
11 such an increase over Illinois. And I think empirical
12 data, would you not agree, would show that Indiana or
13 Illinois always has high voter participation?

14 What also I would like to ask you, would
15 you not agree that Georgia, it has been well recorded
16 that the African-American vote this year, because of
17 President Obama, was a significant increase in
18 turnout? So I just really don't know if that's an
19 indication that your new mechanism works so well in
20 those two states.

21 And, in fact, I would ask you: Do you
22 think it's even a reasonable comparison -- Georgia and
23 Indiana with Texas -- when you look at our size, our
24 diversity, our language issues? Why would you use
25 those two to indicate what Texas is going to follow?

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1 SEN. FRASER: You know, the great thing
2 about this, Dean, is that we're allowed to bring in
3 experts from those states.

4 SEN. WHITMIRE: We're going to listen to
5 them?

6 SEN. FRASER: We have the person that
7 runs the elections in those states that can answer
8 your question. And I -- you know, I think it's great
9 that they're here today.

10 SEN. WHITMIRE: Well, I assume they're
11 partisan officials as well. How about elected
12 officials? Did I not read your county clerk said in
13 her long tenure as your county clerk had never seen
14 anyone impersonating a voter in your own district?
15 Did I not read that correctly?

16 SEN. FRASER: You know, someone reported
17 to me that she had said that she had not identified
18 it. But she also said she was supporting the bill --

19 SEN. WHITMIRE: She supports the bill.

20 SEN. FRASER: Just a second. You asked
21 me the question; I get to answer it. She said that
22 she supports the concept --

23 SEN. WHITMIRE: Sure.

24 SEN. FRASER: -- of voter
25 identification. The question was asked by the

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1 reporter, "Have you caught someone impersonating
2 someone?" The thing that she didn't add to that, that
3 if the reporter would have asked that, "Does the state
4 and your office have the mechanism to identify if
5 someone is voting illegally?" and here would be the
6 example that I would use, is that if Tom Smith came in
7 with Bill White's identification card and Bill White
8 is on the registration roll --
9 SEN. WHITMIRE: I've heard it. You said
10 it --
11 SEN. FRASER: But just a second.
12 SEN. WHITMIRE: You've done that two or
13 three times. I'm familiar with that. You used it
14 earlier.
15 SEN. FRASER: Okay.
16 SEN. WHITMIRE: And that leads me to my
17 question.
18 SEN. FRASER: You wanted an answer to
19 the question.
20 SEN. WHITMIRE: No. I understand.
21 You've used about three examples of where someone runs
22 to the mailbox and gets someone else's certificate and
23 then runs and votes. It's the same identical example
24 you're using right now, which leads me to a very
25 specific question:

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1 Do you not know that that is against the
2 law and it's a third degree felony?

3 SEN. FRASER: Okay. And I would ask
4 you --

5 SEN. WHITMIRE: What you're trying to
6 address is against the law. And would it make a
7 difference to you and would you still be in favor of
8 your bill if I told you we can enhance that penalty?

9 SEN. FRASER: Dean, I think if we can
10 get past this portion of this, that y'all are asking
11 me questions that could be asked of an expert witness.
12 We have somebody from the Secretary of State's office
13 that is going to clarify: Is that possible and is it
14 possible to catch them and is it possible to
15 prosecute? And I think you're going to be surprised
16 at the answer.

17 SEN. WHITMIRE: No, I'm not going to be
18 surprised at the answer, because I've been running for
19 office 36 years. It's not only -- Troy, would you not
20 agree, my duty and your duty as public officials is to
21 prevent fraud, but we have a very special reason --
22 because on the ballot. I have been in barnburners. I
23 have been in close elections. I have tried to
24 identify voter fraud. And that leads me -- and it's
25 never existed in the tough races that I've been in.

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1 And I would suggest, can any one of the
2 31 senators document and demonstrate where voter fraud
3 has been an issue in their election? I would suggest
4 to you early on, perhaps in mail-in ballots, we were
5 concerned. But on Election Day, there is safeguard
6 after safeguard.

7 But I do agree with you -- and each and
8 every one of us I think would agree -- if we could
9 identify fraud, we would want to prosecute. But the
10 interesting thing is, I'm going to ask you before I
11 sit down, give me a recent occurrence of voter fraud.

12 SEN. FRASER: Johnny --

13 SEN. WHITMIRE: The cite in Duval
14 County, that was the year I was born. Then you cited
15 dead people voting. Would a voter ID have helped
16 those people, prevented them from voting? Give me an
17 example.

18 SEN. FRASER: I hate to keep giving you
19 the answer, but you're about to have the registrar
20 from Houston that's about to come up here and testify,
21 and they're going to talk about the dead people that
22 voted. And I'm going to show you --

23 SEN. WHITMIRE: That --

24 SEN. FRASER: Just a second. You asked
25 a question. Right here in my records, I've got it

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1 here, but I had rather wait on the expert witness, but
2 this is a dead person that voted in person.

3 SEN. WHITMIRE: Were they prosecuted?
4 The person that voted them fraudulently, was that
5 person prosecuted? And if she shows up and she didn't
6 file charges against them, we ought to all be
7 outraged. I'm just curious. What are you trying
8 to --

9 SEN. FRASER: Ask that question.

10 SEN. WHITMIRE: What are you trying
11 to --

12 SEN. FRASER: Ask that question of the
13 witness.

14 SEN. WHITMIRE: I look forward to it.
15 This is my concern: What are you trying to fix? Can
16 you point to a recent fraudulent act that would
17 justify us changing the Senate rules, having a special
18 order, not addressing property tax increases, highway
19 funding? What are you trying to address that is such
20 a high priority?

21 SEN. FRASER: John, this, you know --

22 SEN. WHITMIRE: No. I'm really serious.

23 SEN. FRASER: I know. But --

24 SEN. WHITMIRE: We just went through a
25 historical election --

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1 SEN. FRASER: Do you want me to answer?
2 Would you like for me to answer or do you want to
3 interrupt me?

4 SEN. WHITMIRE: Yes, yes. What are you
5 fixing that would shove everything else aside and take
6 this up today?

7 SEN. FRASER: This is not rocket
8 science. What I am fixing is the very real: Is there
9 a possibility -- of which we're going to show that it
10 is -- that someone could steal your registration card
11 and they could go and vote, representing to be you,
12 and that there is no way to identify when it's
13 happening. And once it happens, it's almost
14 impossible then to prosecute after the fact.

15 SEN. WHITMIRE: Okay. Let me ask you
16 this -- and I look forward to hearing our witness.
17 Let me ask you this: When you compare Indiana and
18 Georgia, are you familiar at all with how they conduct
19 their elections in terms of their poll workers, their
20 training, their compensation, any qualifications to
21 hold an election? What are the requirements in
22 Georgia, Indiana, relative to our qualifications?

23 SEN. FRASER: Dean, one of the great
24 things -- the answer I just gave Sen. Zaffirini -- the
25 great thing about this process, we bring in expert

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1 witnesses from those states.

2 SEN. WHITMIRE: Yes.

3 SEN. FRASER: They know the answers to
4 those questions. My expert witness is about --
5 they'll answer that exact question that you have.

6 SEN. WHITMIRE: Because I think what
7 you're going to find is, in these other states, they
8 compensate them in a greater detail, they have
9 training for them. And we depend on volunteers, often
10 our senior citizens. And often we have precincts in
11 Harris County that we literally cannot find people to
12 serve, and we actually merge and combine precincts
13 because of the lack of individuals available to run
14 these elections. And then you're proposing an
15 elaborate documentation.

16 SEN. FRASER: Dean, you're my friend. I
17 respect your right to ask this. But the last three
18 persons have all asked the same questions. And my
19 responses have been the same: We have expert
20 witnesses that are about to show up that can answer
21 your questions. And I guess I tell you no matter how
22 many ways you ask it, my response is going to be the
23 same. I think we need to cut this off and start the
24 witnessing.

25 SEN. WHITMIRE: Well, I look forward to

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1 talking to the person from Harris County. And if
2 someone fraudulently voted for someone who is
3 deceased, I would hope we find out why they weren't
4 prosecuted. And I would also -- as we continue, I
5 wish you would ask your witnesses for the most recent
6 incidence of voter fraud that they're familiar with
7 and the outcome in terms of prosecution.

8 We've had a senator -- Sen. Williams was
9 rightfully concerned about some allegations he had
10 heard. The same question was to him at that moment a
11 couple of months ago: Were the people prosecuted? I
12 think we've got the toughest Penal Code in the United
13 States, 10 to 20 for fraudulently voting for someone.
14 And I think we ought to actively prosecute them,
15 because none of us want to participate in a campaign
16 or serve in a body that is governed or controlled or
17 influenced by voter fraud.

18 I don't think it exists. And I think
19 the harm is being done because we're not in Finance
20 this afternoon, we're not dealing with Texas Youth
21 Commissions this afternoon, we're dealing in fighting
22 something that does not exist. And as it is going to
23 be documented by our witnesses, going to create a
24 hardship for thousands of Texans.

25 SEN. DUNCAN: Sen. Ellis?

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1 SEN. ELLIS: Thank you, Mr. President.

2 Senator, I know you're tired. I'll try
3 not to take too long. One question I want to ask you
4 is about the provisional ballot. You said when you
5 first began answering questions from Sen. Watson, that
6 everyone would be able to vote, no one would be turned
7 away. Now, how would that process work if someone
8 doesn't have the forms of identification that are laid
9 out in your bill.

10 SEN. FRASER: I believe Coby Shorter is
11 right over here. He's going to be coming up to visit
12 with you in just a second. He will give you all that
13 data. And I believe our expert witnesses -- and I
14 think I told Sen. Watson that.

15 SEN. ELLIS: Well, now, here is what I'm
16 getting at: I know you're tired, Senator.

17 SEN. FRASER: No. I'm doing good.

18 SEN. ELLIS: The only reason I'm asking
19 you this is because you're carrying the bill, not your
20 resource witnesses, so it's not personal. Here is
21 what I'm getting at: I'm assuming, the way I read
22 your bill, if somebody does not have the forms of ID
23 you lay out, they will be told, "You can cast a
24 provisional ballot." So here is my question: When
25 does that ballot get counted? What does it take for

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1 that provisional ballot to be counted?

2 SEN. FRASER: And when my witness comes
3 up -- that is the Assistant Secretary of State -- they
4 will tell you the procedure that is used for that.

5 SEN. ELLIS: Okay. I'm guessing, but I
6 assume that if somebody does that have that ID and
7 they cast a provisional ballot, the burden is on them.
8 The bill doesn't lay it out, but I assume the burden
9 is on them to then go home or go somewhere and prove
10 who they are or that ballot will not be counted. And
11 that's what my question was.

12 SEN. FRASER: Let me ask you, if you
13 were getting on an airplane and you didn't take your
14 ID, is the burden on the airport to run to your house
15 to get your ID for you?

16 SEN. ELLIS: Well, here is a minor
17 distinction. I don't have a constitutional right to
18 get on an airplane. That's a big difference. Let me
19 give you, if I might, a few other points, Senator.
20 You used Georgia a number of times as, I guess, a
21 building block for this legislation. Is that a fair
22 assessment? You were saying that they do this in
23 Georgia, Georgia is comparable to Texas?

24 SEN. FRASER: I don't know that we use
25 it as a building block. I said that they have passed

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1 a near identical bill. It has passed DOJ. It has
2 passed the court system and been put into law. And
3 they've had an election cycle. And we have the
4 voting -- the people that ran the election in Georgia,
5 here. And I guess I would lay it out that I think the
6 facts will speak for themselves. I don't think I'm
7 laying out Georgia as an example; I think Georgia is
8 their own example.

9 SEN. ELLIS: Well, I want to make sure
10 that you and other members do understand a basic
11 distinction between Georgia and Texas. The State of
12 Texas is the third minority -- majority minority state
13 in the country -- new Mexico, California and then
14 Texas. Georgia's population at best, Hispanic
15 population, may be 7, may be 9 percent. There is a
16 big distinction between Georgia and Texas.

17 When you came up, Senator, you made
18 reference to -- I guess giving us a history lesson
19 about voter fraud issues, and you mentioned Duval
20 County in particular. And being a proud graduate of
21 the LBJ School and a beneficiary of the great
22 legislation that President Johnson signed into law
23 after an historic march that went on this past weekend
24 across the Edmund Pettis Bridge, I want to give you a
25 little bit of a history lesson.

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1 Do you have any idea in what year the
2 State of Texas enacted the poll tax?

3 SEN. FRASER: I'm sorry. I'm not
4 advised. I don't have that number.

5 SEN. ELLIS: The State of Texas enacted
6 the poll tax in 1901. Do you have any idea when the
7 Democratic Party, not just in Texas but in a number of
8 states, enacted the while-only primary system where
9 you have to be white in order to vote in a primary?

10 SEN. FRASER: Still I'm sorry. I don't
11 have that number.

12 SEN. ELLIS: 1923. It was not abolished
13 until 1944. The poll tax, of course, was not
14 abolished until 1966. I want to say that to you,
15 Senator, because when this bill didn't open up, 1885
16 or whenever it opened up, there were people who sat in
17 desks, these desks, in chairs not quite as comfortable
18 as the ones that you and I are sitting in today, or
19 standing on this floor, didn't have this nice carpet,
20 something, didn't have the padding under it. But
21 decisions were made over the history of this state
22 which is why we have to be pre-cleared before making
23 this change or any other one.

24 Now, Georgia is similar to Texas in one
25 way. It, alone with a number of other southern

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1 states, do have to be pre-cleared because of their
2 legacy of putting hurdles in the path of people to be
3 able to vote.

4 SEN. FRASER: We recognize they are a
5 Section 5 voting rights state, that the two states
6 are, you know, alike in that way.

7 SEN. ELLIS: Are you aware -- you
8 mentioned that the Department of Justice pre-cleared
9 Georgia's voter ID plan. You do know Georgia had not
10 one but two voter identification bills. You are aware
11 of that, I assume. The first bill that Georgia had
12 was pre-cleared by the Justice Department by someone
13 who is one of your witnesses today, by the way, a
14 political appointee at the Justice Department. And
15 then the state and federal courts struck it down, and
16 then Georgia went back and redid their voter
17 identification law. Are you aware of how much they
18 spent on informing voters how to comply with their
19 voter identification law in Texas?

20 SEN. FRASER: And again, same answer
21 I've given the last three, now you're fourth, is that
22 my witness from Georgia is very prepared to go over
23 the details of that rather than you asking me, because
24 I can't be an expert on the Georgia law.

25 SEN. ELLIS: And only -- as painful as

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1 it is to do it, particularly with you being my desk
2 mate -- it is your bill -- Georgia spends \$500,000.
3 Now, I'm only making that point because you put
4 Georgia on our mind, not me. Georgia is probably --

5 SEN. FRASER: I --

6 SEN. ELLIS: -- a great state, might be
7 one-fifth, one-sixth the size of Texas. They spent a
8 half a million dollars a year to make sure people know
9 the provisions under that law. Senator, you made
10 reference to the Carter-Baker Commission when you
11 initially started. Do you know the genesis of that
12 commission? Do you know --

13 SEN. FRASER: We're about to have a lady
14 come up here in just a minute that is from that
15 commission that I bet will give us the entire genesis.

16 SEN. ELLIS: I'm going to ask her a lot
17 of questions. The only reason I raise it to you is,
18 sometimes -- not all the time, but sometimes these
19 senators tend to listen to other senators,
20 particularly the person who is carrying the bill, as
21 opposed to somebody who has testified for it.

22 That bill was created, that commission
23 was created in part to try and restore confidence in
24 the American electoral system, not just in our eyes
25 but in the eyes of people all around the world,

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1 Senator, because of the election of 2000 in which a
2 lot of people think there were serious problems in
3 that election of 2000, and that's why this Commission
4 was established, a very bipartisan commission.

5 Even if President Jimmy Carter and
6 Secretary Baker were on different sides in their 2000
7 race, they realized, when developing nations were
8 saying, "Y'all need to have President Carter send a
9 group down here to monitor elections in America,"
10 instead of going to developing countries. Do you have
11 any idea who some of the other people were Senator, on
12 the Carter-Baker Commission?

13 SEN. FRASER: I bet we're going to hear
14 that from my expert witness.

15 SEN. ELLIS: Raul Yzaguirre. I mention
16 that because he's one of the most noted Hispanic civil
17 rights leaders in the country. I don't mention that
18 to help your side to this argument. Also former
19 Congressman Bob Michel, a very distinguished group of
20 American citizens from both sides of the aisle. Do
21 you have any idea, Senator, how many pages were in the
22 Carter-Baker Commission Report?

23 SEN. FRASER: I didn't get that quite.
24 How many what?

25 SEN. ELLIS: 130. I only read -- 113. I

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1 was going to say, I thought it was 115. If you count
2 the nice pictures in the back --

3 SEN. FRASER: Are you --

4 SEN. ELLIS: 115 pages. Senator, do you
5 have any idea how many recommendations there were in
6 the Carter-Baker Commission Report?

7 SEN. FRASER: I would suspect that the
8 lady coming up from the Carter-Baker Commission could
9 possibly have that information if you asked her.

10 SEN. ELLIS: Do you have any idea what
11 the real name of that Commission was?

12 SEN. FRASER: I'm not advised.

13 SEN. ELLIS: It was the Help America
14 Vote Act and the Voting Rights Act. That's what the
15 Commission was created for. Senator --

16 SEN. FRASER: And I would suspect that
17 the recommendations was made for vote identification
18 that increased the voter turnout in Indiana and in
19 Georgia for record turnout, they were successful that
20 they encouraged -- "We're going to help people vote,"
21 and they encouraged people to feel more comfortable
22 about their voting rights.

23 SEN. ELLIS: But --

24 SEN. FRASER: And I suspect my witnesses
25 that you're going to hear are going to tell you that.

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1 SEN. ELLIS: Good try but not quite.
2 You referenced a New York Times editorial a little
3 earlier. I'm going to try to be a little more
4 balanced than you were, my desk mate, in reading your
5 provision from that editorial, that op ed by President
6 Carter and Secretary Baker. It was titled, "A Clearer
7 Picture on Voter ID," February 3, 2008. Here is just
8 a snippet that I think gives a pretty good --

9 SEN. FRASER: Is that about a snippet?

10 SEN. ELLIS: -- of both sides of the
11 issue. It says in the fourth paragraph, "No state has
12 yet accepted our proposal. What's more, when it comes
13 to ID laws, confusion reigns. The laws on the books,
14 mainly backed by Republicans, have not made" -- I
15 don't want to lick my finger here and try to turn this
16 page, so don't give me a hard time -- "have not made
17 it easy for voters to acquire an ID. At the same
18 time, Democrats have tended to try to block voter ID
19 legislation outright -- instead of seeking to revise
20 that legislation to promote accessibility."

21 Here is the point that they were trying
22 to make, Senator. Out of those 113, or 115 pages if
23 you count the pictures, they had a series of things to
24 help Americans have more confidence in their voting
25 system and also to encourage more people to vote,

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1 things like say their registration, restoration of
2 ex-offenders' right to vote, states spending
3 significant amounts of money in educating people on
4 how to vote. And, Senator, the most important part
5 was having a uniform, universal form of
6 identification, HAVA, as we have referred to it a
7 number of times.

8 Sen. Estes, my other desk mate here, may
9 have forgotten this. But last session you were quoted
10 in the paper as saying, "It will cost too much money
11 for the State of Texas to comply with the HAVA
12 legislation."

13 What I'm saying to you, Senator, is I
14 don't think it's appropriate to pick and choose which
15 parts of the Carter-Baker recommendation, their
16 report, you want to implement, because when you do,
17 you don't do justice to it. Senator, you made
18 reference to not using this legislation to impact
19 mail-in ballots. Why?

20 SEN. FRASER: Is this a question or were
21 you --

22 SEN. ELLIS: Why is it that your bill
23 does not touch mail-in ballots?

24 SEN. FRASER: Why?

25 SEN. ELLIS: Yes.

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1 SEN. FRASER: Well, it's like a lot of
2 legislation we pass. We fix a piece of the puzzle at
3 a time. The mail-in ballot is a huge problem. It is
4 something absolutely that at some point we're going to
5 have to address.

6 SEN. ELLIS: Senator --

7 SEN. FRASER: But today I'm addressing
8 the recommendation of -- the Carter-Baker Commission
9 recommended that we put in voter photo ID legislation.
10 And I'm moving toward what other states have done,
11 which is Indiana and Georgia, that I'm taking a baby
12 step today toward that. But I think what I'm doing
13 will encourage all turnout, but more especially
14 minority turnout in Texas.

15 SEN. ELLIS: You made reference to Steve
16 Wolens' comment earlier. Are you aware that the
17 reference, the comment that you are taking was
18 referring to mail-in ballots?

19 SEN. FRASER: Absolutely. And I would
20 also remind you, you voted for that bill --

21 SEN. ELLIS: Oh, I did.

22 SEN. FRASER: -- because he had been
23 fraud -- his exact statement was, is "They are
24 harvesting" --

25 SEN. ELLIS: Yes.

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1 SEN. FRASER: -- "votes to steal the
2 election in a democratic primary in Dallas, Texas,"
3 and he brought that forward. And you're one of the
4 persons that voted for that --
5 SEN. ELLIS: That's correct.
6 SEN. FRASER: -- bill, as I did --
7 SEN. ELLIS: Senator, you --
8 SEN. FRASER: -- to address voter fraud.
9 SEN. ELLIS: Are you aware of how a
10 puzzle works?
11 SEN. FRASER: I'm sorry?
12 SEN. ELLIS: Are you aware of how a
13 puzzle works, a puzzle, p-u-z-z-l-e, puzzle?
14 SEN. FRASER: Puzzle?
15 SEN. ELLIS: Yes.
16 SEN. FRASER: Well, if you're asking,
17 maybe I don't.
18 SEN. ELLIS: If you take a certain piece
19 of what someone has said out of context, Senator, what
20 you're doing is distorting what they intended to say.
21 So here is my point: Your bill does not touch mail-in
22 ballots. You used a quote by Steve Wolens to try and
23 augment your position. Your bill does not touch
24 mail-in ballots. Most of the cases of fraud that your
25 witnesses are going to talk about are going to involve

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1 mail-in ballots, but this bill does not do anything to
2 touch that.

3 SEN. FRASER: Again, you're being
4 subjective. Let's wait for the objective testimony of
5 the witnesses. You're being a good lawyer and
6 projecting what the witnesses might say. And I would
7 suggest probably the thing we should do is listen to
8 the testimony that's given, and you will have the
9 right to question them. But I think the witnesses are
10 going to make a very clear case that we've got a huge
11 problem in Texas. There's a huge gap in Texas law.
12 There's every possibility for someone to walk in and
13 vote -- Craig Estes could take your voter ID and
14 register himself in Houston in a ballot box that they
15 don't, you know, know him. And he could register as
16 Rodney Ellis and he could vote for Rodney Ellis. That
17 could happen if, you know --

18 SEN. ELLIS: Senator, in your mind, just
19 based on your best guess, do you think that this bill
20 would have a more positive impact on one party or the
21 other in terms of Democrats or Republicans?

22 SEN. FRASER: I'm not going to project
23 about who might benefit from the passage of this. But
24 I wish you would listen to the results in Georgia and
25 Indiana. And I don't want to put words in their

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1 mouth, but I've seen the numbers. The ones in Georgia
2 and the ones in Indiana, the increase, the greatest
3 increase came in Democratic votes, it came in
4 minorities. And I hope -- in Texas my hope would be,
5 I want African-American votes to increase in Texas.
6 That's my goal. And if I can create something for
7 your voters --

8 SEN. ELLIS: This bill is going to
9 increase the number of African-Americans and Hispanics
10 that vote in Texas?

11 SEN. FRASER: Absolutely.

12 SEN. ELLIS: That's what you believe?

13 SEN. FRASER: I do believe that; yes, I
14 do.

15 SEN. ELLIS: You made reference to the
16 last election in terms of the turnout increasing. Do
17 you think that that record increase had anything to do
18 with Barack Obama being the Democratic nominee and
19 Sen. McCain, John McCain being the Republican nominee?

20 SEN. FRASER: Let me ask you this a
21 different way. Did Barack Obama run in Illinois and
22 Indiana both? Did he run in both states?

23 SEN. ELLIS: Senator --

24 SEN. FRASER: Was he from -- since you
25 asked me the question, I get to answer.

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1 SEN. ELLIS: I can --

2 SEN. FRASER: You said was the --

3 SEN. ELLIS: I can assure you the people
4 in Illinois knew Barack Obama was going to win the
5 State of Illinois. I can assure you that.

6 SEN. FRASER: You're saying they didn't
7 feel comfortable voting for him because they knew him?

8 SEN. ELLIS: No, I'm not saying that at
9 all. Let you ask you this: Do you know what the
10 increase in vote was in Texas?

11 SEN. FRASER: All the questions you're
12 covering is the same thing that was asked about the
13 last four -- you're the fifth person.

14 SEN. ELLIS: 600,000 additional votes.

15 SEN. FRASER: We're going to have
16 witnesses from Indiana and Georgia --

17 SEN. DUNCAN: Senators, you're taking
18 over each other and the court reporter only has two
19 hands.

20 SEN. ELLIS: Okay. You all right?

21 SEN. FRASER: I'm going to vacate the
22 premise so you can talk.

23 SEN. ELLIS: I think I've completed my
24 questions. I think I've made the point. I would like
25 to ask the author of the bill about a historic bill

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1 that he's carrying that in my judgment would
2 negatively impact minority voters in Texas.

3 SEN. FRASER: As you know, the way this
4 system works, we have witnesses come in, they tell
5 their story, you get to ask them questions. When
6 that's over, I'll close, we'll have a vote. It will
7 come to the floor. If I'm successful, once we get on
8 the floor and I lay it out, we get to do this again.
9 And I would suspect at some point you and I will have
10 a discussion. But I would like for you to ask the
11 questions of the expert witnesses, because I think
12 you're going to be shocked at what they say about what
13 the impact would be on minority voting in both those
14 states, what happened and how it would be increased.

15 SEN. ELLIS: All right. Thank you.

16 SEN. DUNCAN: Sen. Davis?

17 SEN. DAVIS: Sen. Fraser --

18 SEN. FRASER: You didn't get the rule
19 about freshmen?

20 SEN. DAVIS: No. I'm sorry. I didn't
21 get that rule.

22 (Laughter)

23 SEN. FRASER: I'll be glad to accept
24 your questions.

25 SEN. DAVIS: Thank you.

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1 Would you agree that the provisions of
2 the Carter-Baker comprehensive proposal are proposals
3 that you are using in support for the legislation that
4 you have introduced on this issue?

5 SEN. FRASER: Senator, I took the
6 information that I read -- I read the report; I read
7 what they included in print; I read their press
8 release -- I took my highlighter and highlighted
9 things that came from either what they had written
10 down and they put their name on, and I repeated and
11 read. I didn't project what I thought Jimmy Carter
12 was thinking or what Jim Baker was thinking. I read
13 what they put in print in that, and that's what I did
14 today. There is going to be someone here hopefully,
15 if we ever get to that point, from that Commission
16 that you can ask that exact question.

17 SEN. DAVIS: You made a statement a
18 moment ago that in this legislation that you have
19 proposed, you are addressing the recommendations of
20 the Carter-Baker Report for voter ID, did you not?

21 SEN. FRASER: Say that again.

22 SEN. DAVIS: You made a statement
23 previously, when you were speaking with Sen. Ellis,
24 that you are addressing the recommendations of the
25 carter-Baker Report for purposes of proposing your

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1 voter ID bill?

2 SEN. FRASER: I am proposing a voter ID
3 law and laying it out. I used as a reference a
4 document that is in the public spectrum, something
5 that I've pulled off -- I think off the Internet, of
6 that report. I highlighted a statement that was made,
7 and I read that statement.

8 SEN. DAVIS: And you mentioned that you
9 highlighted not only that report but you also
10 highlighted the editorial of February 3, 2008, titled
11 "A Clearer Picture on Voter ID." Correct?

12 SEN. FRASER: What was the last part of
13 that? But what?

14 SEN. DAVIS: You mentioned a moment ago,
15 when you had your highlighter out, you went through
16 the report, the Baker-Carter Report. You also went
17 through an editorial that was written by both of them
18 in February of 2008, and you also made highlights to
19 that editorial?

20 SEN. FRASER: I highlighted a lot.

21 SEN. DAVIS: But you highlighted those?

22 SEN. FRASER: Well, I can get my book
23 out and I can show you what I highlighted, yes.

24 SEN. DAVIS: I'm curious as to whether,
25 when you had your highlighter out, you highlighted

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1 this particular statement that was made in their
2 editorial, that the groups least likely to have valid
3 photo IDs are women, African-Americans and Democrats.
4 Did you highlight that statement?

5 SEN. FRASER: I am not advised. I'm
6 sorry. I don't have that. I did not say that. Did
7 you hear me say that?

8 SEN. DAVIS: No. I'm asking you whether
9 you highlighted that.

10 SEN. FRASER: I'm not --

11 SEN. DAVIS: Do you remember reading
12 that?

13 SEN. FRASER: I'm sorry?

14 SEN. DAVIS: Do you recall reading that
15 from their editorial, that the groups least likely to
16 have valid photo IDs are women, African-Americans and
17 Democrats?

18 SEN. FRASER: The answer is yes. And
19 again, it's the question that Sen. Ellis just asked,
20 is that it was included in the paragraph above and
21 below. But I think I do remember seeing that in that
22 editorial.

23 SEN. DAVIS: Do you recall also seeing
24 their statement that the current crop of laws,
25 including those that we've been discussing today --

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1 SEN. FRASER: Senator, I'm sorry. You
2 know I have a hearing problem, and I'm only getting
3 about half of what you're saying. So if you can --

4 SEN. DAVIS: I'm sorry. I will speak
5 up.

6 SEN. FRASER: I have trouble -- I'm
7 sorry -- sometimes with women's voices, and I'm just
8 not getting it.

9 SEN. DAVIS: I will speak up.

10 Do you call reading in that editorial
11 that they also stated that the current crop of laws
12 are not being phased in gradually and in a fair manner
13 that would increase rather than decrease voter
14 participation?

15 SEN. FRASER: I'm not getting it. I'm
16 sorry.

17 SEN. ELLIS: I thought I heard my wife's
18 voice. Was she calling me?

19 SEN. FRASER: My wife says this is a
20 trained response.

21 SEN. DAVIS: Would you like me to repeat
22 my last question?

23 SEN. FRASER: Please.

24 SEN. DAVIS: Do you recall reading in
25 the editorial a statement made by Secretary Baker and

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1 former President Carter that the current crop of laws
2 that are being put in place by states are not being
3 phased in gradually and in a fair manner that would
4 increase not reduce voter participation?

5 SEN. FRASER: No, I do not remember
6 seeing that.

7 SEN. DAVIS: You also stated that you
8 read the report and that you highlighted particular
9 provisions of that report in formulating your bill
10 that you have proposed today and your reasons for
11 supporting that bill.

12 SEN. FRASER: I don't think I said that
13 at all. I didn't read that report in formulating my
14 bill. The bill that I laid out is very, very
15 straightforward. All it says is that when Wendy Davis
16 goes to vote, they want to know -- they want to see
17 your picture ID or other forms of identification to
18 verify that you are who you say you are and that --
19 it's not rocket science.

20 SEN. DAVIS: When you began your
21 comments on the floor today in laying out your bill,
22 you quoted from the Carter-Baker Report as well as
23 from the editorial that I read from a moment ago. In
24 answering Sen. Ellis' questions, you said you were
25 addressing the recommendations of the Carter-Baker

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1 Report in implementing your proposal for voter ID.

2 SEN. FRASER: I don't think I said that.
3 I said -- I think I referenced things that were said
4 in that report. I referenced the Supreme Court
5 Justice, John Paul Stevens, again a left-leaning
6 Supreme Court Justice that wrote the majority report
7 that validated the Virginia -- or the Indiana law that
8 put in place a strict photo ID. I referenced that
9 that had been done, their comments. I referenced the
10 Commission, things that they had said. I referenced
11 the bill that was proposed by Rep. Steve Wolens, a
12 Democrat in Dallas near your area that was -- or may
13 be in your district, where he suggested that with vote
14 harvesting and voter fraud, those are all stories that
15 were -- that I had data on.

16 SEN. DAVIS: In referencing the
17 Carter-Baker Report, I wonder if you came across this
18 statement by them: "To prevent the ID from being a
19 barrier to voting, we recommend that states use the
20 registration and ID process to enfranchise more voters
21 than ever." Do you recall that?

22 SEN. FRASER: Why don't you ask that
23 question of the expert witness that I have informed
24 the last five Senators that are coming up, that I
25 don't have any idea what she is going to say. She is

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1 going to be under oath, and she would love to answer
2 your questions that you're asking, and I think that is
3 where we should go from here.

4 SEN. DAVIS: Well, for purposes of
5 discussion or furthering our discussion and my
6 questions for you, let me read some of the
7 recommendations that Carter-Baker report made.

8 SEN. FRASER: Are you going to ask me
9 questions --

10 SEN. DAVIS: I'm going to ask you
11 questions.

12 SEN. FRASER: -- or are you going to --
13 you have the right at any time to put stuff on the
14 record. But you --

15 SEN. DAVIS: I'm going to ask you
16 questions.

17 SEN. FRASER: -- had asked the Chairman
18 if you could ask me questions.

19 SEN. DAVIS: I'm going to ask you
20 questions.

21 SEN. FRASER: Thank you.

22 SEN. DAVIS: "States should play an
23 affirmative role in reaching out to non-drivers by
24 providing more offices . . ." That's one of the
25 recommendations in this report. Does the bill that

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1 you have placed in front of us today on voter ID have
2 an affirmative role for states in recommending that
3 they reach out to non-drivers by providing more
4 offices?

5 SEN. FRASER: I'm sorry. I'm not even
6 getting close to following the question you're asking.
7 The bill that I'm laying out today says that when
8 Wendy Davis walks into the voting booth, you've got to
9 prove that you're really Wendy Davis. It's that
10 simple.

11 SEN. DAVIS: And the bill does not
12 include a request of the state that it open more
13 offices for the purposes of obtaining a photo ID for
14 non-drivers, it does not include that proposal.
15 Correct?

16 SEN. FRASER: They can use non-photos.
17 I mean, there is no provision right now, there is
18 nothing in the bill that every person in the state
19 could not comply with, because you can use a piece of
20 mail that had been mailed to you, your library card.
21 There's a long, long list of things that you could
22 use. You could even use as your piece of
23 identification the mail that the registrar sent to you
24 for your voter registration. That's a form of
25 identification.

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1 SEN. DAVIS: And I'm going to ask you
2 about that list in a moment. Let me ask you another
3 question about what your bill includes. Does your
4 bill include a proposal that the state should create
5 mobile offices for the purpose of reaching out to
6 persons without photo ID, to create those photo IDs?

7 SEN. FRASER: Would you ask that
8 question again, please?

9 SEN. DAVIS: Yes. Does the bill that
10 you're proposing include a request of the state that
11 they create mobile offices that would go out into the
12 communities for purposes of helping voters obtain
13 photo IDs?

14 SEN. FRASER: Were you here earlier when
15 that question was asked by another senator?

16 SEN. DAVIS: I do not recall that
17 question being asked. I would appreciate it if you
18 would answer it.

19 SEN. FRASER: The Secretary of State has
20 been asked to come here. The Secretary of State will
21 implement this transaction. The wording of the bill
22 that is in the bill is very clear of what we would ask
23 them to do. The implementation of that would be, you
24 can ask the Secretary of State, please.

25 SEN. DAVIS: Okay. But I'm asking you

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1 if your bill includes that proposal?

2 SEN. FRASER: My bill has language that
3 clarifies that there will be an education program of
4 the people to implement this bill. It lays out the
5 instructions on that, but it will leave it to the
6 Secretary of State to implement.

7 SEN. DAVIS: Does your bill contain a
8 proposal that would provide the ability for voters to
9 register and to provide photo IDs to those voters free
10 of charge?

11 SEN. FRASER: Try it again. I didn't
12 get it.

13 SEN. DAVIS: Does your bill include a
14 proposal that would allow voters to register and be
15 provided photo IDs free of charge?

16 SEN. FRASER: The photo ID is free of
17 charge.

18 SEN. DAVIS: It is free of charge?

19 SEN. FRASER: Yes.

20 SEN. DAVIS: Who is going to pay for
21 that?

22 SEN. FRASER: We are advised that --
23 first of all, that there are very few people that
24 would need that, is that the bulk of the population of
25 Texas already has a driver's license or a photo ID.

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1 And we're advised that, you know, the cost of that
2 would be implemented through -- I guess it's DPS. So
3 it is built into the budget.

4 You know, I know you're new to the
5 Legislature. But the fiscal impact on the bill, that
6 is determined if there is a cost to the state. And
7 they said there is no impact, because it could be
8 absorbed in current budget.

9 SEN. DAVIS: Believe it or not, I
10 understand that fiscal impact is based on whether
11 there is a cost to the state. What I'm asking you is
12 if your bill proposes free voter ID cards that could
13 be made to anyone who requests them and whether there
14 has been a cost put to that proposal?

15 SEN. FRASER: I'm sorry. I'm getting
16 members, people talking to me. Try it again, please.
17 I can't hear you.

18 SEN. DAVIS: I'm asking you, in your
19 bill, the bill that you've authored, the bill that
20 you've laid out, the bill that you are standing in
21 front of us defending today, is there a proposal in
22 your bill that anyone who wishes to register to vote
23 would be provided a voter ID card free of charge?

24 SEN. FRASER: The answer is yes, that
25 anyone that is a registered voter will be given a

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1 photo ID free of charge. So I think the answer to
2 your question is yes.

3 SEN. DAVIS: And yet, do you have any
4 idea how many people might come forward and request a
5 free voter ID?

6 SEN. FRASER: I would suggest you ask
7 the Secretary of State that.

8 SEN. DAVIS: I will. But I'm asking
9 you, because it's your bill. I'm asking you. Do you
10 have any idea?

11 SEN. FRASER: And I'm responding to you
12 that I'm going to punt to the Secretary of State
13 because they're the ones that keep that data.

14 SEN. DAVIS: Was that question asked of
15 you by the LBB when they were preparing the fiscal
16 note for your bill?

17 SEN. FRASER: We didn't talk to LBB.
18 That's not the process.

19 SEN. DAVIS: Okay. Turning to Section
20 63.0101, Sections (a) and Sections (b) of your bill,
21 would you agree that this list of proof of
22 identification that can be provided to a poll worker
23 includes a multiple of standards that those poll
24 workers could apply?

25 SEN. FRASER: Do I agree that there's a

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1 lot of choices?

2 SEN. DAVIS: Yes, a multiplicity of
3 standards --

4 SEN. FRASER: A multitude of choices.
5 That I think is one of the beauties of the bill, is
6 that there's a lot of ways that people could identify
7 themselves.

8 SEN. DAVIS: Okay. In reading the
9 Carter-Baker proposal, was it your understanding that
10 the proposal they advanced was the creation of a
11 universal voter ID that would, No. 1, provide more
12 offices for people to receive those IDs, including
13 mobile ones; No. 2, that would allow the registration
14 and free federal ID for anyone wishing to seek one;
15 and that there would be much less discrimination
16 against minorities if there were a single uniform ID
17 rather than poll workers applying multiple standards?

18 SEN. FRASER: I'm not advised. I can't
19 speak for the commission. We have an expert witness
20 who will be here in a minute, and I will be glad for
21 you to ask her.

22 SEN. DAVIS: Would you agree that if
23 those proposals were put in place, that it would
24 create costs in implementing such a system?

25 SEN. FRASER: Again, Senator, we have a

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1 system here where they look at the bill, any potential
2 cost to the state. They come back with the fiscal
3 impact on that. And the statement we received back
4 from, you know, on the fiscal impact was no impact.

5 SEN. DAVIS: Thank you. I'm going to
6 complete my questions for now in order to give the
7 court reporter a break. Thank you, Sen. Fraser.

8 SEN. FRASER: Thank you.

9 SEN. SHAPLEIGH: I've got three
10 exhibits.

11 SEN. DUNCAN: Members, we have several
12 folks who want to talk. And we've been going now for
13 about an hour and 45 minutes, and I want to try to
14 pace the court reporter. Before we go to a short
15 break, though, Sen. Shapleigh had some exhibits he
16 wanted to introduce. So we'll do that and then take
17 a -- we'll be at ease for a few minutes.

18 Sen. Shapleigh.

19 SEN. SHAPLEIGH: Thank you, Mr. Chair.

20 If I could, as Exhibits 11, 12 and 13,
21 respectively, the copy of The New York Times op ed by
22 Baker and Carter, '05; copy of Royal Masset's quote;
23 and editorial from the quorum report and The New York
24 Times' editorial of '08, all discussed on the floor.

25 SEN. DUNCAN: Okay. They will be placed

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1 in the record.

2 Members, have those copies been provided
3 to the Secretary?

4 They're on their way? Okay. Thank you.

5 Members, we will take a -- we'll stand
6 at ease for approximately 10 minutes. We'll reconvene
7 at 4:45.

8 (Exhibit Nos. 11, 12 and 13 marked and
9 admitted)

10 (Recess: 4:36 p.m. to 4:51 p.m.)

11 SEN. DUNCAN: The Senate Committee of
12 the Whole will come to order.

13 If those in the gallery could be seated
14 and we could have order in the chamber.

15 Sen. West.

16 SEN. WEST: Thank you very much,
17 Mr. Chairman.

18 Sen. Fraser, I'm going to try not to be
19 repetitious. Can you hear me now?

20 SEN. FRASER: If you use the Barry White
21 voice, I think we're okay.

22 SEN. WEST: The Barry White voice.

23 SEN. FRASER: You know, I've told you
24 that before --

25 SEN. WEST: All right.

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1 SEN. FRASER: -- that that's your best
2 Barry White voice.

3 SEN. WEST: Well, I --

4 SEN. FRASER: I've got your vote. I can
5 hear you well.

6 SEN. WEST: Barry was able to -- has
7 been very convincing at times. Can I convince you to
8 pull this bill down?

9 SEN. FRASER: Now yet.

10 SEN. WEST: Oh, okay. All right. I
11 want to go through the bill with you. On Page 3 of
12 the bill, Line 1 --

13 SEN. FRASER: If you would hold one
14 second so I can get a copy of it.

15 SEN. WEST: Sure.

16 SEN. FRASER: You're reading from what?

17 SEN. WEST: Page 3, Lines 1 through 4.

18 SEN. FRASER: I'm not sure ours is going
19 to match up, but we'll try. Page 3 -- where are you
20 referencing? Okay. There we go. Okay. That's what
21 I needed. This is what we're used to.

22 SEN. WEST: Okay. We talked about the
23 use of identification.

24 SEN. FRASER: Yes, sir.

25 SEN. WEST: If you're going under

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1 Subdivision (1), you say, "one form of identification
2 listed in 63.0101(a)," and if you're going to go under
3 No. (2), you say two forms of identification under
4 63.0101(b). And I'm trying to -- why the difference
5 between the two types of identification in terms of
6 the number that you have to use for purposes of
7 identification?

8 SEN. FRASER: Well, I think the easy
9 explanation is that I think you know, under the
10 Indiana and the Georgia laws, they have a strict photo
11 ID. Obviously, my preference on this would be a
12 strict photo ID.

13 In the language that came from the bill
14 that came over from the House, they offered an
15 exception with two other forms of ID. But since
16 they're not a photo, where you could identify someone,
17 I can't speak for the House, but I'm assuming that
18 option was given so you would have two different ways
19 to identify someone to verify for sure that that's who
20 they were.

21 SEN. WEST: So the only reason the
22 requirement for two different forms is in this bill is
23 because that's the way it came over from the House?

24 SEN. FRASER: The bill was passed in the
25 House in this form and came over. And because it had

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1 already passed one body in that form, and we had not
2 voted on it, we made the decision to pick up the bill
3 that came over last year from the House.

4 SEN. WEST: And that's the sole reason.
5 Is that correct?

6 SEN. FRASER: No.

7 SEN. WEST: What was the other reason?

8 SEN. FRASER: The other reason is, is we
9 think this is a very fair -- you know, it's a very
10 fair way, is that -- you know, I would love to see a
11 strict photo ID bill like Indiana and Georgia. But
12 the bill that we're laying out gives a second
13 opportunity for someone to identify themselves, which
14 would be a secondary form of identification.

15 SEN. WEST: Okay. But again, the reason
16 that it's in there is because it came over from the
17 House that way and some other reasons. And I'm trying
18 to figure out what are all the reasons that you put
19 the requirement for two forms in there, other than it
20 came over from the House that way?

21 SEN. FRASER: Again, the goal of my bill
22 is that I don't want somebody to go into the polling
23 place saying they're Royce West and use your voter ID.
24 I think if you had a photo ID -- both of us are big
25 people -- and if we came in, it would be easy for

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1 someone to identify our features, that we are who we
2 say we are.

3 SEN. WEST: Yes.

4 SEN. FRASER: But if you don't have some
5 form of identification, then there is every ability
6 for someone to steal your voter registration --

7 SEN. WEST: Okay.

8 SEN. FRASER: -- and go and vote in
9 person, representing themselves to be Royce West.

10 SEN. WEST: Okay. Let's look at this
11 right here. So your Section (a) specifically deals
12 with, under that -- I'm sorry.

13 SEN. FRASER: (a)?

14 SEN. WEST: Section (a) under 63.0101 --

15 SEN. FRASER: Where are you? What page?

16 SEN. WEST: I'm actually on Page 5 now.

17 SEN. FRASER: Okay. Page 5. Which
18 line?

19 SEN. WEST: Well, this whole section,
20 starting from I guess 9 -- and Section 10 of the bill.

21 SEN. FRASER: Got it.

22 SEN. WEST: Everything in there deals
23 with some sort of photo identification. Right?

24 SEN. FRASER: Yes, that's correct.

25 SEN. WEST: And everything in Section

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1 (b) deals with some documentary identification?

2 SEN. FRASER: I do believe you're --

3 SEN. WEST: Section (b) is on .

4 SEN. FRASER: All of (a) is photo and
5 everything else is an alternate form of
6 identification.

7 SEN. WEST: Okay. Now, as it relates to
8 section; I'm still on Page 5 and 6. As it relates to
9 the forms of identification that you have amended into
10 the bill, did you make any --

11 SEN. FRASER: Well, I haven't amended
12 anything into the bill.

13 SEN. WEST: Well, I'm sorry. Drafted.
14 Drafted.

15 SEN. FRASER: The bill was filed.

16 SEN. WEST: Okay. As filed in this
17 bill. Did you make any determination as to how it
18 would impact ethnic minorities in the State of Texas?
19 And, if so, what did you do to make a determination as
20 to the impact?

21 SEN. FRASER: The answer I'm going to
22 give you is the same answer I've given now to the last
23 six witnesses, is that the way we help determine that
24 was what happened in Indiana and what happened in
25 Georgia. I have invited one person from Indiana and

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1 two persons from Georgia. The persons from Georgia
2 are a Section 5 voter rights state.

3 And I think those would be very good
4 questions to ask them, that if we implement a voter
5 identification bill, how did it impact their voters?
6 And I think they're going to tell you that their voter
7 response went up because those people felt very, very
8 good -- just a second. You're about to interrupt me.
9 They felt very good that -- they felt before --
10 weren't comfortable because they were afraid their
11 vote was going to be stolen. But after we implement
12 the voter identification, they felt good about it.
13 And voter results for all classes, but more especially
14 for African-Americans and Hispanics, increased. And I
15 believe that's what they're going to tell you. I
16 don't want to speak for them.

17 SEN. WEST: Okay. And so then we should
18 extrapolate from their testimony that the experiences
19 in a Section 5 state -- Georgia -- and a non-Section 5
20 state would be applicable to the State of Texas?

21 SEN. FRASER: Senator, my wishes on this
22 and my goal, if I could project the absolute best
23 thing that could happen, is that the people of Oak
24 Cliff that are in your area representing --

25 SEN. WEST: By the way, have you talked

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1 with any people in Oak Cliff about this bill?

2 SEN. FRASER: That we would have record
3 turnout by the people in Oak Cliff --

4 SEN. WEST: Have you talked to any of
5 the minorities -- I'm sorry.

6 SEN. FRASER: Have I talked to any?

7 SEN. WEST: Have you talked to any
8 ethnic minorities about this particular bill? Have
9 they had input into this bill at all?

10 SEN. FRASER: And I don't want to get
11 cute with you, but you are an ethnic minority, and you
12 and I have had a conversation about it.

13 SEN. WEST: Oh, no. I'm talking
14 about --

15 SEN. FRASER: So the answer to that
16 would have to be yes.

17 SEN. WEST: Okay. Well, let me be more
18 specific then. Have you talked to any ethnic
19 minorities that support your bill?

20 SEN. FRASER: The answer is yes.

21 SEN. WEST: All right. Are they
22 Hispanics and African-Americans?

23 SEN. FRASER: Yes.

24 SEN. WEST: Was it an African-American
25 that supports your bill?

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1 SEN. FRASER: What did you say?

2 SEN. WEST: All right. I'm going to be
3 more specific now. Have you talked to an African-
4 American, African-Americans that support your bill?

5 SEN. FRASER: Yes.

6 SEN. WEST: Okay. Have you talked to
7 Hispanics that support your bill?

8 SEN. FRASER: Yes.

9 SEN. WEST: Are they here to testify in
10 support of your bill?

11 SEN. FRASER: Let me think about -- the
12 invited testimony --

13 SEN. WEST: Yes.

14 SEN. FRASER: -- of the invited
15 testimony, we have an African-American, I think, that
16 is going to testify on this bill.

17 SEN. WEST: Is that African-American
18 with the Secretary of State's office?

19 SEN. FRASER: Yes, he is.

20 SEN. WEST: He is a resource, isn't he?
21 He's not coming to testify --

22 SEN. FRASER: Did I say that -- I didn't
23 say he was going to testify. I said he was going to
24 testify on the bill.

25 SEN. WEST: All right. Now, let me go

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1 back to my question. Maybe it wasn't specific enough.
2 Have you talked to any African-Americans or Hispanics
3 that are in support of your bill --

4 SEN. FRASER: Yes.

5 SEN. WEST: -- support? And will they
6 be here to testify?

7 SEN. FRASER: I'm not advised. I --

8 SEN. WEST: Okay. Have you talked to
9 any African- --

10 SEN. FRASER: I haven't looked at the
11 list of who is going to testify.

12 SEN. WEST: Have you talked to any
13 African-Americans or Hispanics about the impact that
14 your bill will have on their right to vote?

15 Let me tell you what I'm getting to.
16 Have you talked to any African-Americans? Have you
17 done an assessment in terms of whether or not this
18 particular bill and the methods that you are employing
19 will be retrogressive as it relates to the minority
20 voters of the State of Texas?

21 SEN. FRASER: I think the answer is the
22 same answer I gave you about four questions ago, is
23 that I looked at -- and I've spent a lot of time
24 examining the data of actual voter turnout that
25 happened after the implementation of a photo ID bill

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1 in Indiana and in Georgia. And I have invited the
2 election judges from both states to come and share
3 that with you today, and I feel sure that they will be
4 glad to answer your questions.

5 SEN. WEST: And based on your
6 observation of what occurred in those particular
7 states, you believe that your bill, if enacted in law,
8 will not have any retrogressive impact on the minority
9 voters of the State of Texas?

10 SEN. FRASER: I think my bill is going
11 to increase African-American and Hispanic turnout in
12 Texas. I think those people today feel
13 disenfranchised because they feel like there is fraud
14 going on in votes today --

15 SEN. WEST: Well, have you talked to
16 any --

17 SEN. FRASER: Are you interrupting me?

18 SEN. WEST: Yes. I --

19 SEN. FRASER: Just a second. I get to
20 finish.

21 SEN. WEST: But you say you feel like
22 those people. My question is, who have you spoken to,
23 to come to that assertion that those people feel as
24 though that there's fraud and all that stuff? What
25 African-Americans and Hispanics -- have you spoken to

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1 some to make that assertion, in the State of Texas?

2 And I'll listen to you now. I'll listen
3 to you now respond to my question.

4 SEN. FRASER: I have laid out a bill and
5 researched, asked questions about the way people vote.
6 I believe I have a bill that will encourage people
7 that their vote will count and their vote is not going
8 to be diluted by those that cheat. I think that will
9 encourage voters, as it did in Indiana and in Georgia.

10 And I believe that this bill is not only
11 good for the people of the State of Texas, but I'm
12 pretty familiar with the ethnic makeup of the people
13 you represent. And I think this bill will be
14 extremely good for Royce West's senatorial district.

15 SEN. WEST: Well, and I appreciate your
16 thoughts. But let me ask you again, you made some
17 assertions that you believe that it's going to be good
18 for every one of Royce West's district and ethnic
19 minorities in the State of Texas. You made assertions
20 that this will prevent people from cheating and all
21 that other stuff. And I'm asking you, as relates to
22 voter impersonation, have you talked to any African-
23 Americans or Hispanics that said there was a problem
24 in the state, that this is a problem in the state?
25 Have you talked to any African-Americans in the state?

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1 SEN. FRASER: Without a doubt, the
2 way -- and I think after we hear the testimony of the
3 witnesses here, and the Secretary of State, it's going
4 to be hard for you to disagree that there is not a
5 problem and the people you represent are not being not
6 served correctly by the current law of Texas. And as
7 a reasonable person -- which I know you are. I know
8 you -- you know, you and I have served together for
9 the last 12 years --

10 SEN. WEST: Oh, yes.

11 SEN. FRASER: -- and I respect you a
12 lot, you know. And I think once you listen to the
13 testimony, you're going to have trouble not agreeing
14 that the people you represent will be well-served by
15 this bill, and I believe that.

16 SEN. WEST: Okay. And, you know, that's
17 fine. But the answer to my question is, have you
18 spoken to anyone?

19 SEN. FRASER: Yes, I have.

20 SEN. WEST: African-Americans and
21 Hispanics --

22 SEN. FRASER: Yes.

23 SEN. WEST: -- that say that cheating is
24 a problem in the State of Texas, that voter
25 impersonation is a problem in the State of Texas, have

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1 you've spoken with anyone?

2 SEN. FRASER: I have spoken to --

3 SEN. WEST: African-Americans and
4 Hispanics?

5 SEN. FRASER: -- African-Americans and
6 Hispanics --

7 SEN. WEST: In the State of Texas?

8 SEN. FRASER: -- in the State of Texas.
9 And, you know, I have spoken to a lot of people in
10 different classes. And the people of this state
11 believe that -- 88 percent of the people polled
12 believe that a photo or a voter ID in Texas should be
13 something we should implement.

14 SEN. WEST: Sir, but --

15 SEN. FRASER: And of those -- just a
16 second. Of those -- and the number I saw -- and I
17 believe it was 74 person of the people surveyed were
18 African-American that said they believe that we should
19 implement a voter ID in Texas because they are
20 concerned about the --

21 SEN. WEST: Do you have a copy of that
22 study?

23 SEN. FRASER: Yes. I do have -- we have
24 a Rasmussen study, and then there is a secondary study
25 and we will get that -- I will get that for you, yes.

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1 SEN. WEST: Mr. Chairman, I would like
2 to see that.

3 SEN. FRASER: I will be glad to show it
4 to you.

5 SEN. WEST: So you've depending upon a
6 survey that was done? You're depending upon a survey
7 that was done in order to make the statement that
8 you're making in terms of talking to African-Americans
9 and Hispanics?

10 SEN. FRASER: No. I'm relying on actual
11 data of people that voted this election cycle that
12 didn't vote in the election cycles before, because
13 they were encouraged that their vote was going to
14 count.

15 SEN. WEST: Okay. And going back to --
16 and let me make sure I understand your response to
17 this question. You've said that in order to get an
18 answer as relates to whether or not any less
19 regressive means were considered by you as the author
20 of this bill would have to talk to the Secretary of
21 State?

22 SEN. FRASER: I don't think I said that
23 at all. I don't think --

24 SEN. WEST: Well, and you --

25 SEN. FRASER: We even talked about less

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1 regressive means. I said the Secretary of State is
2 going to tell you the current state of the law in
3 Texas and tell you we've got a big problem --

4 SEN. WEST: As it relates to regressive
5 means and an aggressive -- a regressive analysis in
6 terms of the impact that it has on minority voters.
7 Who on your panel would be able to answer that
8 question? What experts would be able to answer that
9 question?

10 SEN. FRASER: I suspect probably every
11 witness that is --

12 SEN. WEST: Every witness?

13 SEN. FRASER: I think so.

14 SEN. WEST: Okay.

15 SEN. FRASER: I think so. I suspect
16 that -- we've got two personal -- or three personal
17 examples, because we've got Indiana and Georgia.
18 We've got the registrar from Houston that, you know,
19 you can ask those questions. We've got the Secretary
20 of State's office, and then we've got the Carter-
21 Baker administration -- or the --

22 SEN. WEST: Does your bill do anything
23 about fraud as it relates to denying people the right
24 to vote?

25 SEN. FRASER: Say it again.

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1 SEN. WEST: Does your bill do anything
2 about fraud as relates to denying people the right to
3 vote? You know, there may very well be individuals
4 that come into precincts and -- you know, back in
5 Dallas -- because you've talked about it a couple of
6 times. I think it was in 1984, we had a bunch of
7 judges come down to African-American precincts and put
8 up signs basically saying, "You can go to jail." Were
9 you aware of that?

10 SEN. FRASER: No, I'm not.

11 SEN. WEST: Okay. This bill does
12 nothing about that type of behavior, though. Right?

13 SEN. FRASER: This bill --

14 SEN. WEST: Okay.

15 SEN. FRASER: -- is really straight-
16 forward, Senator. This only addresses one narrow part
17 of the election code, and that is the fact that when
18 you walk into that voting place, you're going to
19 identify that when you vote as Royce West, they are
20 verify you are who you say you are.

21 SEN. WEST: Those poll workers, how much
22 do we pay poll workers, Senator?

23 SEN. FRASER: I'm not advised, but I bet
24 the Secretary of State knows.

25 SEN. WEST: Okay. And so those poll

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1 workers will make that determination -- right? -- as
2 to whether or not a person has the proper
3 identification? Let me ask you this: Let's say that
4 Troy Fraser's name was misspelled on the voter
5 registration list, and you came in with your driver's
6 license and it's correctly spelled. What would happen
7 in that circumstance?

8 SEN. FRASER: And again, I'm going to
9 punt to the Secretary of State, that they would make
10 the determination. But I think likely the easy answer
11 is, is that there is a system today under current law
12 for a determination of that, that -- and I'll give you
13 this example. I'm not real good about taking my voter
14 registration card. I usually take my driver's license
15 in. And if they had me on the rolls as F-r-a-z-e-r
16 and my driver's license says F-r-a-s-e-r, there is a
17 provision today under current law to manage that. I
18 bet you that the --

19 SEN. WEST: I do the same thing. I
20 normally just take my driver's license in.

21 SEN. FRASER: Well, but there's --

22 SEN. WEST: And some people just take a
23 utility bill in.

24 SEN. FRASER: And the answer to your
25 question is, I'm not addressing that. That is --

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1 under current law, the Secretary of State has the
2 ability to address that. And I think the answer is
3 that if they can't determine your exact -- you know,
4 who you are, they could provide a provisional ballot,
5 do their research, find out you are okay and then let
6 you vote.

7 SEN. WEST: And I think that's exactly
8 the way that it plays out. But as it relates to
9 provisional ballots -- and I think Sen. Ellis raised
10 this question a few moments ago. What happens in that
11 circumstances? You have a poll worker make a
12 determination that Fraser is spelled wrong, you do the
13 affidavit, you do a provisional ballot. When is that
14 ballot counted under your bill?

15 SEN. FRASER: The Secretary of State --
16 I mean --

17 SEN. WEST: The Secretary of State's
18 office?

19 SEN. FRASER: -- will be glad to answer
20 that for you.

21 SEN. WEST: Okay. That's fair. Okay.
22 Thank you very much, Sen. Fraser.

23 SEN. FRASER: Thank you.

24 SEN. DUNCAN: I will remind the members
25 that we still have invited testimony, numerous

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1 witnesses, and then also public testimony, who have
2 been waiting here today to testify.

3 So we'll move now -- Sen. Hinojosa,
4 you're recognized.

5 SEN. HINOJOSA: Thank you,
6 Mr. President.

7 Sen. Fraser?

8 SEN. FRASER: I'm sorry, Senator, I
9 didn't hear him introduce you. I'll be glad to answer
10 your questions.

11 SEN. HINOJOSA: I only have a few
12 questions for you.

13 SEN. FRASER: And, Senator, I'm sorry.
14 Let me get my head piece. I can already anticipate
15 I'm going to have trouble hearing you. Just a second.

16 (Brief pause)

17 Are you there?

18 SEN. HINOJOSA: Yes, sir.

19 SEN. FRASER: Do a little mike test. It
20 still is not working.

21 Can you give me a mike test? One, two,
22 three, four, five.

23 SEN. HINOJOSA: Is it working now? Can
24 you hear me?

25 SEN. FRASER: No, it's not working.

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1 (Brief pause)

2 Senator, let's try that one.

3 SEN. HINOJOSA: Okay. Can you hear me
4 now?

5 SEN. FRASER: I've got you now. Thanks.

6 SEN. HINOJOSA: Okay. Thank you,
7 Senator.

8 SEN. FRASER: I'm --

9 SEN. HINOJOSA: I just have a few
10 questions, and they deal more with the process and
11 trying to identify people who come to vote, with a
12 photo ID identification. What type of training will
13 poll watchers have in order to determine whether or
14 not a photo ID is valid or a fraud?

15 SEN. FRASER: Senator, I don't want to
16 be cute or cut you off, but that's the same question
17 the last seven people have asked. And the Secretary
18 of State has been invited here to answer that
19 question, and they can answer it a lot better than I
20 can.

21 SEN. HINOJOSA: Well, but in your
22 legislation, do you have provisions to provide some
23 type of detection equipment to be able to tell whether
24 or not a photo ID is fake?

25 SEN. FRASER: My bill is very straight-

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1 forward in what will be required to identify. But the
2 implementation of that and the training of the people
3 will be left up to the Secretary of State. And I
4 would bet you the Secretary of State would love to
5 answer your question on that.

6 SEN. HINOJOSA: Well, let me follow up
7 again. You know, it's very easy to get a fake ID at
8 the flea markets and pay 20 bucks for them. And my
9 question is, if you don't provide any legislation for
10 any type of equipment to be able to detect whether or
11 not that is a fake ID, then it defeats the whole
12 purpose of your legislation.

13 SEN. FRASER: And, Senator, I think you
14 have just made my case for me. That's the exact
15 reason that we're doing this bill, is that there are
16 people out there, unscrupulous people doing exactly
17 what you just said, that they are taking
18 identification of the people you represent and they
19 are going and fraudulently voting and that we don't
20 have the ability to either recognize that they have
21 done that or to prosecute them after they have. Thank
22 you for bringing that up.

23 SEN. HINOJOSA: Senator, that's not the
24 question that I asked. That's not what I asked. I
25 said do you have provisions in your legislation to

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1 provide the funding for the local precincts to
2 purchase equipment to be able to detect whether or not
3 a photo ID is a fake?

4 SEN. FRASER: Senator, I'm sorry.
5 Did you get another head thing?
6 Senator, let's try it one more time.
7 Would you ask that question again, please.

8 SEN. HINOJOSA: Can you hear me?

9 SEN. FRASER: This receiver is a bad
10 receiver. I'm getting nothing but interference.

11 Can somebody get one of these that
12 works?

13 Let me try without it.

14 SEN. HINOJOSA: Okay.

15 SEN. FRASER: Where is Lucio's?

16 Go ahead.

17 SEN. HINOJOSA: I will repeat my
18 question, Sen. Fraser. And what I'm asking is whether
19 or not in your legislation you have provisions to fund
20 the detection equipment that will be able to tell
21 whether or not an ID is a fake one?

22 SEN. FRASER: Senator, again, I think
23 that would be a question of the Secretary of State, is
24 that -- I think you could ask him how they're going to
25 do it. But we -- as you know, the way this works --

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1 you have been here like I have, a long time -- we lay
2 this legislation out. They come back with a fiscal
3 note of the impact to the state. They said there is
4 no impact to the state, that they have sufficient
5 money within their budget to handle it. And I would
6 suggest you ask that question of the Secretary of
7 State.

8 SEN. HINOJOSA: Well, I think that it's
9 very important that you have provisions in your
10 legislation to deal with this issue. When you travel
11 by airplane, by air, as you well know, they scan your
12 driver's license and they can tell whether or not it's
13 a fake driver's license. And what I'm asking of you
14 is whether or not you have provisions in your
15 legislation to deal with fake IDs from the flea
16 market, for example? I guess not.

17 SEN. FRASER: I don't want to dodge your
18 question.

19 SEN. HINOJOSA: But you are.

20 SEN. FRASER: But you're asking a
21 question that is a technical question of the agency.
22 And again, I don't want to speak for my witnesses.
23 But the guy that's going to speak from Houston,
24 Houston is, in fact, using that exact same thing right
25 now. So in some areas, it's already in place.

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1 SEN. HINOJOSA: Well, think about this:
2 How many precincts do we have here in the State of
3 Texas? And if we are going to check on IDs and
4 whether or not they're fake, you need to have the
5 proper equipment in place. How much are they going to
6 cost and who is going to pay for it?

7 SEN. FRASER: Senator, you need to ask
8 the Secretary of State. And, you know, that is a
9 technical question that the agency is going to have to
10 answer.

11 SEN. HINOJOSA: Well, I guess the real
12 answer, it may be an unfunded mandate on the counties.

13 SEN. FRASER: Well, I don't think
14 there's something in the bill that places a mandate on
15 them to buy equipment for that. You know, I would
16 suspect that there is a system within the DPS to help
17 identify that. And I think -- I don't want to over-
18 project, but I suspect that between the Secretary of
19 State's office and in the counties, that there is a
20 system that if you input a number, that they can tell
21 whether they're a real number or not. And I'm sorry.
22 You're getting into an area that I don't have
23 expertise in.

24 SEN. HINOJOSA: Well, I think it's very
25 important to have some provisions in your legislation

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1 dealing with this issue because, otherwise, there is
2 no way that you can have a poll worker know whether or
3 not a photo ID is a fake one or not.

4 Let me also ask another question. Have
5 you considered how much longer it would take for
6 voters to vote, where the lines would be longer and it
7 would discourage people to vote?

8 SEN. FRASER: Why don't you ask that of
9 the Indiana and the Georgia people. They just went
10 through two election cycles in Indiana, one in
11 Georgia. They have already done this. That would be
12 an excellent question for them.

13 SEN. HINOJOSA: But, Sen Fraser, you are
14 the one carrying the legislation, not them.

15 SEN. FRASER: And that's the reason I
16 invited expert witnesses in, of people that have
17 already put this in place. The advantage we've got is
18 that we're not reinventing the wheel on that. We can
19 find out their information of what happened.

20 SEN. HINOJOSA: Well, I think your bill
21 really needs a lot of work. It has a lot of
22 shortcomings with it in the way it's going to be
23 implemented.

24 And thank you for answering my
25 questions.

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1 SEN. FRASER: Thank you.

2 SEN. DUNCAN: Sen. Uresti.

3 SEN. URESTI: Thank you, Mr. President.

4 Sen. Fraser, I just have a few
5 questions. I know it's been a long day, but I would
6 like to ask a few questions more specific to my
7 district.

8 But as a backdrop to my questions, not
9 only to you but to the witnesses that you've been
10 referencing all day, you have probably heard me speak
11 to this session, my senatorial district is the largest
12 geographical district in Texas.

13 SEN. FRASER: I know your district well.
14 There's a lot of it that I used to represent, so I'm
15 very familiar with it.

16 SEN. URESTI: And it's actually larger
17 than about 24 states in the country.

18 SEN. FRASER: It's a great district,
19 good people.

20 SEN. URESTI: It is a beautiful
21 district. And one of the reasons I stand today to ask
22 you these questions is, I represent the constituents
23 of my district. In addition to being the largest
24 district in Texas, it's also the second poorest
25 district in Texas. The per capita income, the average

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1 per capita for my constituents is \$12,484 per year.

2 SEN. FRASER: Are you aware of the fact
3 that just right below, right above that is the
4 district that I represent? And so we have a lot in
5 common in the people that I represent and the people
6 you represent, because our districts touch. And a lot
7 of the people that you represent now are people that I
8 used to. So we have a very like district.

9 SEN. URESTI: And even more reason why I
10 think you will appreciate the questions that I have of
11 you, Sen. Fraser. In my district, the poverty rate is
12 approximately 24 percent. So when you couple the
13 poverty rate with the vast area of my district, you
14 see the challenges that my constituents face.

15 And I tell you that because when we talk
16 about photo ID and the necessity to obtain an ID,
17 whether it be a driver's license or whether it be an
18 actual Texas photo ID, knowing the area as well as you
19 do, when you look at some of the counties in my
20 district, I think you probably, better than most,
21 fully appreciate the distances that one has to travel
22 in order to get an ID. And I'll just give you a few
23 examples. In addition to that, though, the fact that
24 many of these DPS offices are only open on very
25 sporadic days and times.

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1 For example, in Bandera County, it's
2 open -- the DPS office is only open on Wednesdays from
3 9:00 to 4:00. In Culberson County, it's only open --
4 the DPS office is only open on Thursdays from 9:00 to
5 5:00.

6 In Kinney County, which is where
7 Brackettville is located, the DPS office is only open
8 the first and third Tuesday of each month from 9:00 to
9 4 o'clock. And then one other example of many,
10 Terrell County, which is down where Sanderson is
11 located, the DPS office is only open one Monday a
12 month from 9:30 to 3:30.

13 So having said that, my concern is the
14 fact that if an individual needs to obtain a photo ID
15 or a Texas driver's license, the challenges that they
16 will face in, one, having to go to those offices; two,
17 the distances that they'll have to travel; and then
18 three, if they're not familiar with the dates or the
19 times that they are open, the fact that they may have
20 to go back.

21 And if they're not registered or they do
22 not obtain that in a timely manner, which I understand
23 it could take up to 60 days or so to receive your
24 photo ID, there is a very good chance that they will
25 not be able to have that ID when they do go to vote.

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1 Would you agree with me on that, Sen. Fraser?

2 SEN. FRASER: Well, that was a
3 consideration in looking at the parameters, is that
4 the good news for you is, we still have all the same
5 parameters for mail-in ballots. We haven't changed
6 that. And all these other forms, there is just a
7 multitude of things they can use for a secondary form
8 of identification. So if for some reason they
9 couldn't get to that -- and I would -- you know, you
10 and I know that most of those people out there drive
11 and they do have cars, the bulk of them do, and they
12 would be -- they would really like to go and get that
13 driver's license. But if they couldn't and they were
14 going to vote, there is a multitude of things they can
15 use for identification to make it really, really easy,
16 or they could do a mail-in ballot. We've made it easy
17 for them.

18 SEN. URESTI: And I appreciate you
19 bringing that up, because that's a good segue into my
20 next question. But again, going back to the poverty
21 rate, I would respectfully disagree with you,
22 Sen. Fraser, that they all have cars, because most of
23 them can't afford cars, at least in my district.

24 On Page 5 of your bill, Senator, you
25 reference -- Page 5, Line 20, under "Documentation of

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1 Proof of Identification," you reference "a United
2 States military identification card that contains the
3 person's photograph." And I just want to make sure
4 that I clearly understand what you have in your bill,
5 and that for those military individuals, whether they
6 be active duty, reservists, retired, et cetera, if
7 there is no photograph on their military ID, then they
8 would not be able to use that ID under your bill. Is
9 that correct?

10 SEN. FRASER: I'm sorry, Senator. I
11 think you probably have misread this. You're under
12 the section that lays out the acceptable form of photo
13 ID. But if it doesn't have a photo on it, it could be
14 used as one of the non-photo IDs, plus one other form
15 of identification. So the answer to your question is,
16 yes, they could use it.

17 SEN. URESTI: Okay. So a military ID
18 that does not have a photo could be used?

19 SEN. FRASER: Yes. It's a form of
20 government identification.

21 SEN. URESTI: Okay. That's not the way
22 I read it, but I'm glad you cleared that up for me.

23 SEN. FRASER: Under the (2), it would be
24 one of their forms of identification. It is a
25 government-issued form of identification. And under

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1 the non-photo area, it would be used.

2 SEN. URESTI: And just so I'm clear, it
3 reads "a United States military identification card
4 that contains the person's photograph." What my
5 question is, if there is a military ID card that does
6 not have a photograph, then you're saying that those
7 military individuals, whether they be active duty,
8 whether they be reservists, whether they be retired,
9 would not be able to vote with that form of ID. Is
10 that correct?

11 SEN. FRASER: That is not correct. That
12 would be one of their forms of ID. And if they had
13 one other piece of identification, their utility bill,
14 with that military ID, they're fine.

15 SEN. URESTI: Whether it has a
16 photograph or no?

17 SEN. FRASER: Yes.

18 SEN. URESTI: Okay. Very good. That's
19 good to know.

20 Going into the alternative forms of
21 documentation, specifically on Page 6, what I'm trying
22 to reconcile and what is confusing to me, and I
23 believe would be very confusing to the voters of
24 Texas, and complicated, on Page 6, Line 14, you list
25 the following documents -- I beg your pardon -- "The

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1 following documentation is acceptable as proof of
2 identification under this chapter."

3 Then it goes on to read, Subparagraph
4 (1), a copy of a current utility bill; Paragraph (2),
5 official mail; Paragraph (3), a certified copy;
6 Paragraph (4), United States citizenship papers;
7 Paragraph (5), an original or certified copy; and then
8 No. (6,) court records.

9 And so I'm trying to reconcile those
10 different terms in that you have a copy, you have
11 official document, you are certified document, you
12 have papers, you have original or certified copy, and
13 then you have court records.

14 And to me, that's confusing as an
15 attorney, much less I think to my constituents. And
16 so specifically -- this is my question, Sen. Fraser --
17 on No. (16) (sic) under the Paragraph (b) where it
18 reads, "a copy of a current utility bill, bank
19 statement, government check, paycheck, or other
20 government document," that leads me to believe that if
21 they brought the original document, they would not be
22 able to use the original document, it would have to be
23 a copy of that document. Is that correct?

24 SEN. FRASER: I think you're over-
25 reading the issue, because this is current law. This

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1 is current law that we're operating. If you voted in
2 this last election, you voted under this. If you will
3 look at that -- and I believe -- is that not taken
4 from current law? So if you're confused about it
5 today, you were confused about it yesterday, because
6 it was -- that's current law.

7 SEN. URESTI: Well, let me tell you why
8 I'm confused, Sen. Fraser, because if you go on into
9 Paragraph (2) that's not current law, and Paragraph
10 (3) that's not current law, for specifically Paragraph
11 (3,) you insert "a certified copy." Paragraph (5),
12 you put "an original or certified copy." So that's
13 why it's confusing, Sen. Fraser, and that's why I'm
14 trying to clarify it, because you use a copy in one
15 instance, then you use a certified copy in another
16 instance. But here is my question. I want to go back
17 to my question.

18 SEN. FRASER: Wait, wait, wait. Hold on
19 a second. You've got to answer the one that you just
20 asked. One of the great things about these
21 hearings -- and it's the same answer I gave now to the
22 last eight people I've talked to -- I'm about to have
23 the Secretary of State come up here. The Secretary of
24 State's job is to issue the clarification of adopting
25 rules to clarify the implementation of the law we

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1 passed. And I would -- I don't want to put words in
2 their mouth, but I would assume they're going to say,
3 "We can handle that."

4 SEN. URESTI: Okay. And I appreciate
5 that. And because you can't speak for the Secretary
6 of State and because you are the author of this bill,
7 I just wanted to ask you, so I could clarify and so I
8 can explain it to the voters of Texas and to my
9 constituents, then -- and I think you understand now
10 what I'm trying to reconcile in that you asked for
11 different documentation. And, one, it can be a copy
12 or it can be the official mail, et cetera. And I will
13 ask the specific questions of the Secretary of State.

14 SEN. FRASER: I think it would be a good
15 idea to do that.

16 SEN. URESTI: But because you are the
17 author, I wanted to ask you specifically. And then I
18 think my last question, Sen. Fraser, if you bear with
19 me one second. I beg your pardon.

20 On Page 4 under Section 8, on Line 20
21 where it reads "did not deliberately provide false
22 information to secure registration in a precinct in
23 which the voter does not reside," I'm trying to
24 understand what you mean when you put "deliberately
25 provide false information."

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1 SEN. FRASER: Senator, again --

2 SEN. URESTI: And (2) --

3 SEN. FRASER: -- I don't want to
4 interrupt you here, but you're quoting current law.
5 That's law right now that we have been living under
6 for some period of time. And if you've got a question
7 about the interpretation of the Secretary of State's
8 rule on that, I bet they would answer it.

9 SEN. URESTI: And I hope they can. But,
10 Senator, this is part of your bill, though. (1) --

11 SEN. FRASER: Now, just a second. You
12 know the way this works in legislation is that if it's
13 current law, you reprint current law. And if you're
14 going to make a change, you insert it and underline.
15 And all we're doing there -- we could have left all
16 that out and make you work and go see how it fits
17 together. But, you know, you have been here a long
18 time, and you know that's the way it works is, we go
19 ahead and tell you what current law is so it reads
20 correctly. I didn't make that law up. It's just a
21 law that is there. And I think you could ask the
22 Secretary of State the way it's interpreted.

23 SEN. URESTI: And I appreciate that.
24 But did you not strike certain language from current
25 law in this bill, Sen. Fraser?

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1 SEN. FRASER: If it was struck -- did we
2 strike -- just a second.

3 (Brief pause)

4 I'm not advised as to whether we struck
5 something. I believe the language that you're
6 referring to on Line 20 is current law and above and
7 below it is current law. And I, to my knowledge --
8 but again, I think you should ask the Secretary of
9 State that.

10 SEN. URESTI: And I'll do that. Thank
11 you, Sen. Fraser.

12 SEN. FRASER: You bet. Thank you.

13 SEN. DUNCAN: Sen. Van de Putte.

14 SEN. VAN de PUTTE: Thank you,
15 Mr. President.

16 And, Sen. Fraser, I'm . . .

17 SEN. FRASER: It was wishful thinking.

18 SEN. VAN de PUTTE: And I would have
19 hoped that this question would have been asked before,
20 and I've listened and it's not, and I know that we
21 would love to --

22 SEN. FRASER: I would love to have a new
23 question.

24 SEN. VAN de PUTTE: Well, thank you.
25 I'm going to be very, very quick. I am looking at

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1 Page 5, Line 27.

2 SEN. FRASER: Just a second. Let me get
3 my glasses, Senator. Hold on. I'm deaf and blind.

4 SEN. VAN de PUTTE: Section 10 of the
5 bill.

6 SEN. FRASER: Section 10. What page?

7 SEN. VAN de PUTTE: Page 5, Line 27.

8 SEN. FRASER: Got it.

9 SEN. VAN de PUTTE: In that section,
10 there is a change from the United States citizenship
11 papers -- and you strike that -- to certificate. Tell
12 me, what is the difference between a certificate and
13 the papers?

14 SEN. FRASER: Senator, again, you and I
15 have served together a long time. And you know when
16 these bills come from Leg. Council, that if there is
17 clean-up legislation, they need to clarify something
18 that is either case law. The answer is, I don't know
19 why they struck that.

20 SEN. VAN de PUTTE: Well, it --

21 SEN. FRASER: It was not our
22 recommendation. This came from Leg. Council this way.
23 I can find out the answer to that --

24 SEN. VAN de PUTTE: Okay.

25 SEN. FRASER: -- but I can honestly say

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1 I don't know.

2 SEN. VAN de PUTTE: Okay. Well, I think
3 there is different terminology. It is my
4 understanding, since I represent a Hispanic
5 district -- and many of the senators here have a
6 number of Hispanics -- this is especially important
7 for naturalized citizen. It is my understanding that
8 the certificate means the 8-by-11 certificate with a
9 photo that is given at the time of naturalization. So
10 it does have a photo, and it's under your section that
11 it would be okay for a photo. My question is that the
12 government also issues a wallet-sized card that is
13 listed as a paper. That could be part of the paper,
14 but it has no ID.

15 On the section of the bill that you talk
16 about non-photo, which would be Page 6, Line 24, it
17 says "United States citizenship papers." Papers I
18 think are the card. But the papers, are they the
19 certificate? And the reason I ask is, because at the
20 time of naturalization -- and many of us have
21 Hispanics in our district that as young children were
22 naturalized. That picture is of a child and doesn't
23 match up. So how --

24 SEN. FRASER: Senator -- and again, I
25 don't want to dodge your question. I think probably

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1 this is a legitimate question to ask the Secretary of
2 State.

3 SEN. VAN de PUTTE: Okay.

4 SEN. FRASER: I'm not sure they can
5 answer that one. But I will tell you my intent on
6 this is not to deny any legal voter that should have
7 the right to vote, and that if someone is using this
8 as a source of documentation and it is a legal
9 documentation that proved they are who they say they
10 are, I want them to be able to use it. I want all
11 Hispanics that you represent --

12 SEN. VAN de PUTTE: Yes.

13 SEN. FRASER: -- to have the ability to
14 vote under this bill, and my intent is to increase
15 their right to do that. So if there is a tweak needed
16 there, I can tell you I'm open to it. I don't know
17 the answer to the question you're asking.

18 SEN. VAN de PUTTE: Well, thank you. In
19 researching that, there is a difference between
20 "certificate" and "paper." On one, the certificate
21 does have a photo ID; the paper does not. And I think
22 that's probably why Leg. Council did that.

23 SEN. FRASER: You and I could probably
24 sit down with a Leg. Council lawyer, ask them what
25 happened, the meaning of that. And it is certainly

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1 not my intent in any way to deny someone the right to
2 vote. My intentions are exactly the opposite. I want
3 them to be able to identify themselves and vote.

4 SEN. VAN de PUTTE: Well, thank you,
5 Senator, because the picture photo for many of my
6 constituents who have been naturalized and are now
7 adults or maybe even elderly does not match up,
8 because that was taken at the time of naturalization.

9 And my fear was that an election clerk,
10 having to know the difference between certificates and
11 paper and then maybe the name not matching up,
12 particularly for women who then would be -- the
13 naturalization paper certificate would never match up
14 with your married name if you were naturalized as a
15 child, and that would be extremely discriminatory
16 toward Hispanic citizens and particularly to this
17 state, which may not have been a problem in Georgia or
18 Indiana but is definitely a problem here, and I
19 appreciate that.

20 SEN. FRASER: Not a -- absolutely, we
21 want -- if someone is a legal citizen and has
22 identification and they're registered to vote, then I
23 want them to have the ability to do that.

24 One of the questions you just asked
25 about the picture not matching up, I would also advise

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1 you to ask the Secretary of State that, is that I
2 think there's methodology, that it's even addressed --
3 it was anticipated -- in some of the things I read,
4 that if I grew a beard and I don't look like I used
5 to, a methodology to make sure that we could verify
6 who you say you are.

7 SEN. VAN de PUTTE: Thank you, Senator.
8 And I have one follow-up question. You and I have the
9 luxury and the blessing of representing many now Texas
10 residents who are voting in the state who happen to be
11 military families and military members. And I know
12 you are well aware of Fort Hood and Sen. Shapleigh at
13 Fort Bliss. My question is a follow-up to Sen.
14 Uresti's questions on military ID.

15 Many times the identification of record
16 doesn't have the address of the voting. So if they
17 were voting here but their address of record is at --
18 how would, under your bill, a clerk treat that
19 inconsistency of a nonmatch-up for our military
20 members?

21 SEN. FRASER: Again, Senator -- and I
22 thank you for acknowledging my district being
23 impacted. I believe that I have the largest number of
24 ex-military in the state living in my senate district,
25 you know, former military. I want to make sure that

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1 they have the right to vote.

2 Yes, they do change addresses, but this
3 is something that we have been coping with for years,
4 even under our current system. Again, I think the
5 Secretary of State is capable of not only answering
6 that question but also making sure we have a seamless
7 transition to this, because it's extremely important
8 to me, and I know it is to you, is that I want to make
9 sure that our brave men and women that have served
10 this country preserve that very basic right in making
11 sure they get to vote in elections.

12 SEN. VAN de PUTTE: Thank you, Senator.
13 I appreciate that. And I want to clarify, just for
14 the last time, so that I understand. With the changes
15 that you are proposing, every Texan who wishes to cast
16 a ballot would have to bring both their certificate,
17 voter certificate that's issued by the jurisdiction
18 that they've registered in, and some sort of photo
19 identification. Is that correct?

20 SEN. FRASER: Well, that's not exactly,
21 the way you phrased that. Actually, for someone to
22 vote, all they've got to do is show up. So that
23 the -- I need to ask a question. I just thought of
24 something.

25 (Brief pause)

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1 Okay. I'm sitting here having a
2 discussion with my staff, clarifying that that is the
3 case. And I can tell you, my intent on this would be
4 that it's -- here would be the example I would give
5 you. I go to Marble Falls or Horseshoe Bay to vote.
6 I never have my voter ID. I always just pull out my
7 driver's license. Let's just say for some reason I
8 forgot my driver's license. My intent would be, if I
9 have two other pieces of identification listed here
10 and they match up with the voter roll and it says,
11 "Troy Fraser, 103 Lighthouse," a particular precinct,
12 it would be my intention you should vote.

13 SEN. VAN de PUTTE: Well, that's --

14 SEN. FRASER: I'm not clear -- I want to
15 make sure, as you do -- and I think what you're
16 raising is making sure that the bill absolutely says
17 that, and that is the intent.

18 SEN. VAN de PUTTE: Well, thank you,
19 Sen. Fraser, because the way I looked at this, I
20 thought that every Texan who wants to cast a ballot
21 now will have to present with both the voter
22 certificate and a photo ID or the certificate and two
23 alternate forms. So you either have a two-fer or a
24 three-fer. And I'm just wondering if that's correct
25 or if someone shows up and they do not have their

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1 certificate, do they just need a photo ID? And if
2 they show up and they don't have their certificate or
3 a photo, what other two --

4 SEN. FRASER: I don't have the answer
5 for you today. I'll be honest with you, that I've got
6 to look at that. I wish I could give you an answer on
7 that, but I don't have an answer right now. And I've
8 got to look at the bill, talk to the Secretary of
9 State's office, see how that flows together, look at
10 the election official and determine how we blend that
11 together.

12 My intention is that I want everyone to
13 vote. I'll give you that as a blanket answer. My
14 intention is that if someone can prove who they say
15 they are, I want them to vote.

16 SEN. VAN de PUTTE: Thank you,
17 Sen. Fraser.

18 SEN. FRASER: Thank you.

19 SEN. DUNCAN: Nobody else?

20 All right, members. Sen. Gallegos -- I
21 thought I had lost count.

22 SEN. GALLEGOS: A question of the
23 author.

24 SEN. FRASER: This is the three-minute
25 rule. Are we using the egg timer rule?

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1 SEN. GALLEGOS: Well, you already
2 surpassed that, so I thought I would --

3 SEN. FRASER: No. I'm still just
4 answering your questions.

5 SEN. GALLEGOS: Well, Senator, let me
6 ask you, have you thought about the state of our
7 economy and the steadily rising number of foreclosures
8 taking place? And I'm talking about this bill. Just
9 last week, the Dallas Morning News reported that the
10 Carrollton-Farmers Branch School District has seen
11 185 percent increase in the 2008-2009 school year of
12 homeless students.

13 SEN. FRASER: Senator, can you help me
14 here? I'm having trouble. I'm looking at the bill,
15 and I'm having trouble finding the place that has to
16 do with foreclosures.

17 SEN. GALLEGOS: Well, no, no, no. I'm
18 getting to my question, if you allow me.

19 SEN. FRASER: I will.

20 SEN. GALLEGOS: These are people in the
21 State of Texas whose entire families are affected.
22 And the homeless, as you know, well know, they move
23 around a lot. They're U.S. citizens, and they move
24 around a lot and stay in cars, in shelters and
25 sometimes relatives' houses. But the important thing

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1 is that they do not have a permanent residence, even
2 though they're U.S. citizens.

3 And I guess -- and they don't have
4 utility bills, they aren't on a current regular
5 schedule. And to show, if that is asked for when they
6 go to a precinct to vote, I guess my question is,
7 under your bill, under this scenario, is there a limit
8 on how many times they can get an official DPS ID to
9 vote every couple of weeks?

10 SEN. FRASER: Well, first of all, I'm
11 confused in your description of this, because for
12 someone to register to vote and be legal to vote, they
13 have to specify the precinct that they're in. And
14 that's one -- I think one of the requirements that the
15 Secretary of State looked for, is that you have to be
16 a resident voting in a specific precinct, and they had
17 to mail that to somewhere. But the answer to your
18 question that you were getting to is, is there a limit
19 on the number of IDs they can get? And, no, there is
20 no limit.

21 SEN. GALLEGOS: There is no limit under
22 your bill?

23 SEN. FRASER: No limit.

24 SEN. GALLEGOS: Okay. All right. Thank
25 you.

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1 SEN. FRASER: Unlimited IDs.

2 SEN. GALLEGOS: There's unlimited ID.

3 Okay. All right. Thank you.

4 SEN. FRASER: Thank you.

5 SEN. DUNCAN: Okay, members. If there
6 are no other questions, we are now ready to move into
7 the invited testimony phase of the hearing. So at
8 this point in time, I think I have been submitted --
9 actually, we had the Secretary of State collect the
10 list from the author and those who might be opposed to
11 the bill.

12 And, as stated earlier, I will first
13 invite -- we'll have Hans von Spakovsky to testify
14 first. He is proposed by Sen. Fraser. And then
15 followed by that, we'll have Tova Andrea Wang, who is
16 proposed by Sen. Van de Putte. If we could bring them
17 into the chamber. And we will have a timer that will
18 be 10 minutes.

19 Sen. Van de Putte, I believe you had a
20 witness that you needed a little bit longer time. Is
21 this the witness?

22 Okay. And, members, again I'll state
23 again, we will not recognize anybody for a question
24 during the 10-minute period of time for layout.
25 Thereafter, we will allow questions. I'll remind you

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1 that we have the public testimony that will follow
2 after the invited testimony, so be efficient. But,
3 you know, you're entitled to ask your questions.

4 So is Mr. von Spakovsky in the chamber?

5 And for the sake of time, if we could go
6 ahead and bring Tova Andrea Wang into the chamber.

7 Is this -- who is this?

8 (Off-the-record discussion)

9 SEN. DUNCAN: Mr. von Spakovsky.

10 Okay. She will go second.

11 Okay, Mr. von Spakovsky, you're
12 recognized. You need to state your name and who you
13 represent. I believe you have turned in a witness
14 affirmation card. You have 10 minutes. That will be
15 strictly enforced. And you have a timer there in
16 front of you. You can begin.

17 (Proceedings continued in Volume 1B)

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TRANSCRIPT OF PROCEEDINGS BEFORE
THE SENATE OF THE STATE OF TEXAS
EIGHTY-FIRST LEGISLATURE
(COMMITTEE OF THE WHOLE SENATE)
AUSTIN, TEXAS

IN RE: §
§
CONSIDERATION OF §
SENATE BILL 362 §

COMMITTEE OF THE WHOLE SENATE

TUESDAY, MARCH 10, 2009

BE IT REMEMBERED THAT AT 5:50 p..m., on
Tuesday, the 10th day of March 2009, the above-
entitled matter continued at the Texas State Capitol
Senate Chamber, Austin, Texas, before the Committee of
the Whole Senate; and the following proceedings were
reported by Aloma J. Kennedy, a Certified Shorthand
Reporter of:

VOLUME 1B

PAGES 209 - 480

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4	"Much-hyped Turnout Record		
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6	Convenience Voting Fails to		
7	Boost Balloting"	120	120
8	9. Symposium paper entitled		
9	"The Empirical Effects of		
10	Voter-ID Laws: Present or		
11	Absent?" by Jason D. Mycoff,		
12	Michael W. Wagner and		
13	David C. Wilson	120	120
14	10. 9/10/07 Report of the		
15	Heritage Center for Data		
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19	Reduce Turnout" by David B.		
20	Muhlhausen and Keri Weber		
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23	September 23, 2005 - entitled		
24	"Voting Reform is in the		
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8	18. Report of the Commission on Federal Election Reform entitled, "Building Confidence in U.S. Elections," September 2005	313	313

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5	Hon. Robert F. Bennett, ranking		
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7	Committee on Rules and		
8	Administration:		
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10	A. von Spakovsky		
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12	members of Congress		
13	3. 3/13/07 letter from William		
14	H. Jordan		
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